

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, July 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 Johnston, Deputy Town Clerk; Michael Doser, Director of Code Enforcement/Development; John Beck, Deputy Director of Code Enforcement/Development; 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 Havens, that the minutes of the Town Board meeting of July 8, 2009 be approved as submitted by the Town Clerk.

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

PUBLIC HEARING  
SPECIAL USE PERMIT  
TURIN TENNIS AND SWIM CLUB

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 July 8, 2009; affidavit of posting was also July 8, 2009.

Ken Hurley from Lu Engineers began his presentation by explaining that he was representing Jeff Frank in his desire to modify his Special Use Permit that was approved seven years ago for Turin Tennis and Swim Club to include the wording of a multi-sport use underneath the existing canopy.

Jeff Frank, the owner of Turin, went on to explain that he owns other clubs in other towns, Brighton Sports Zone and All Star Sports Arena, which have multi-sport indoor lacrosse and soccer fields. Clients such as Fairport soccer club, Pittsford Mustangs and Fairport Lacrosse train in the facilities in Brighton and Irondequoit and have talked to Mr. Frank regarding doing the same in his facility in Perinton.

Supervisor Smith asked Mr. Frank what specifically would change at the facility on Hogan Road. Mr. Frank stated that the surface would be "multi-sported" so that tennis, soccer, baseball and lacrosse could all be played there. A turf carpet would be unrolled onto the indoor tennis courts and that would allow for multi-sport use. Supervisor Smith asked if this would then be multi-sport use year round. Mr. Frank explained that the bubble would come down in the summer and the field would be used for tennis in the outdoor season. The indoor season is end of September to the end of April for Turin. There has been some interest from Fairport Soccer in using the area for tournaments during the outdoor season as they have trouble getting fields. This is yet to be worked out as Turin is a membership club.

Supervisor Smith asked if there would be more people at the club if the facility were used for sports other than tennis. Mr. Frank explained that this would mostly be a training facility with the field split up and two teams using it at once and that the current usage for tennis would actually be more than this proposed scenario.

Councilperson Knapp asked about the parking lot situation and Mr. Hurley explained that the parking lot is old and the plan is to repave the parking lot by putting a top coat over it and restriping it as existing. Four handicapped spots will be added and if more parking is needed fourteen spaces have been banked that can be converted if needed. They are currently grass spaces and if the facility is very busy, employees park in those banked spaces now. Mr. Frank further stated that he has been there for fifteen years and there have been no parking problems. The parking lot was designed originally for the outdoor club and Mr. Frank explained that today, for example, they had six busy tennis courts and two busy pools with no parking concerns.

Town Attorney Place asked how many parking spots are at Turin and Mr. Hurley replied that there are 86 plus the 14 banked spots available.

Supervisor Smith clarified that the applicant was asking for wording added to his existing Special Use Permit and Mr. Hurley agreed that they were asking for the inclusion of “multi-sport” and tennis under the bubble.

Chris Fredette, 3 Cabernet Circle, and Conservation Board member asked, speaking for the Conservation Board, whether the land-banked parking spots have been run past the Town Planning Board. Mr. Frank stated that he feels that they have been put in as overkill and that the current parking is sufficient. The facility is mostly used for training and parents pick up and drop off their children and do not park there. Mr. Hurley explained that if an erosion problem occurred from parking, grass pavers could be proposed. In that way, the spaces would be sturdy to park on but remain mostly grass.

Councilperson Saum asked how the proposed tournaments work with the facility being mostly used for training. Mr. Frank stated that the tournament use would be new and has not been worked out yet and is not in his current plans.

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

Councilperson LaFay made a motion, seconded by Councilperson Knapp, that the proposal to modify the Special Use Permit for Turin Tennis and Swim club at 260 Hogan Road be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the changes to the Special Use Permit will in no way negatively affect the environment.

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

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the terminology “multi-sport use” be added to the existing Special Use Permit for Turin Tennis and Swim Club, 260 Hogan Road, with the following condition:

1. 14 additional parking spaces be banked for use if needed

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

APPROVE CHANGES TO THE MEMBERSHIP  
OF THE EGYPT FIRE ASSOCIATION, INC.

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

Resident Active Firefighter	Ryan C. Miller 60 Vineyard Hill Fairport, NY 14450
Removed from Membership	Bill Davidson 349 Ayrault Road Apt. 93 Fairport, NY 14450
Name Change	Michaela Driscoll to Michaela Scheerens

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH NYS DOT

Supervisor Smith stated that the NYS DOT is going to be milling and paving Route 96 from Kreag Road to the Village of Pittsford beginning in late July or August. As part of the project, they are asking that the Town of Perinton sign an agreement with the NYSDOT that indicates that any adjustments needed to three sanitary sewer manholes owned by the Town of Perinton and located in the roadway, as a result of the paving project, will be the responsibility of the contractor. This is a standard agreement that the Town has entered into previously with the NYSDOT for projects similar in scope that have taken place in Perinton. There will be no costs incurred as a result of signing the agreement.

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

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Asphalt Concrete Resurfacing of NY Route 96 from MM96 4305 1049, in the Village and Town of Pittsford/ Town of Perinton, located in Monroe County, PIN 4096.51.321, and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the adjustment to or relocation of water valves and appurtenances, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner, and

WHEREAS, the service life of the relocated and replace utilities has not been extended, and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the above mentioned project.

NOW THEREFORE,

BE IT RESOLVED: That the Town of Perinton Department of Public Works approves of the relocation and adjustment to their water mains and appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of Perinton Department of Public Works will maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

BE IT FURTHER RESOLVED that James E. Smith has the authority to sign, with the concurrence of the Town of Perinton Department of Public Works, any and all documentation that may become necessary as a result of the project as it relates to the Town of Perinton Department of Public Works and

BE IT FURTHER RESOLVED: That the Town Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

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

#### AUTHORIZE TOWN OF PERINTON INFORMATION PROCESSING POLICY

Supervisor Smith said that Information Technology Director, Jim Donahue has forwarded a policy for adoption by the Town Board. The policy has been reviewed and accepted by the Town Department head staff. It sets forth rules for using the Town computer system. The following policy has been proposed:

### **INFORMATION PROCESSING**

POLICY 5.07

Being informed is a shared responsibility for all users of the Town of Perinton's information systems. Examples of being informed are:

- Knowing the provisions of this policy as well as other related rules and policies.
- Knowing how to protect the data that you are responsible for.
- Knowing how to use shared resources without damaging them.
- Knowing how to keep current with software updates.
- Knowing how to report a virus warning, a hoax or other suspicious activity, and participating in training.

This policy applies to all Town of Perinton information, computer systems and data that are used for official Town of Perinton business regardless of its location. Compliance with this policy is mandatory for all officials, employees, and approved IT contractors of this organization.

#### **Provisions:**

1. **AUTHORIZED USE.** Users must not use other users' passwords, user id's, or accounts without authorization, or attempt to capture or guess other users' passwords. Users are also restricted from using business equipment for personal use, without authorization from your Information Technology Director or designee. Users must not hide their identity for malicious purposes or assume the identity of another user.
2. **PRIVACY.** User files may be subject to access by authorized employees of the Town of Perinton during the course of official business. Accordingly, users should have no expectation of privacy and understand that their activity may be monitored.

3. **RESTRICTED ACCESS.** Users must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been given authorization. Accordingly, users must not access without authorization: electronic mail, data, programs, or information protected under state and federal laws. Users must not release another person's restricted information.

4. **PROPER USE OF RESOURCES.** Users should recognize that computing resources are limited and user activities may have an impact on the entire network. They must not:

- Misuse email, spread email widely (chain letters) and without good purpose (spamming), or flood an individual, group, or system with numerous or large email messages.
- Use streaming audio, video or real time applications such as stock ticker, or internet radio, except in approved cases, i.e. DPW weather feed.
- Store personal information (photos, music, etc.) on their computer without authorization from the IT Director.

5. **PROTECTING INFORMATION AND SHARED RESOURCES.** Users must:

- Follow established procedures for protecting files, including managing passwords, using encryption technology and storing back-up copies of files.
- Protect the physical and electronic integrity of equipment, networks, software, and accounts on any equipment that is used for the Town of Perinton business in any location.
- Not visit non-business-related websites.
- Not open email from suspicious senders or email that seems suspicious.
- Not knowingly introduce worms or viruses or other malicious code into the system or disable protective measures i.e.: antivirus, spyware, firewalls.
- Not install unauthorized software.
- Not send restricted or confidential data over the Internet or from your Town of Perinton network unless appropriately encrypted.
- Not connect unauthorized equipment or media which includes but is not limited to: laptops, thumb drives, pdas, and mp3 players.

6. **INTERNET USE.** Users accessing the Internet must be for purposes authorized by the Town of Perinton. The following are examples of security breaches and should not be used:

- Represent yourself as someone else.
- Spamming.
- Unauthorized attempts to break into any computing system whether our organization's or another's.
- Theft or unauthorized copying of electronic files.
- Posting sensitive organization information without authorization from the organization.
- Activity which could create a denial of service attack.
- Monitoring network traffic except for those authorized to do so as part of their job responsibilities.

7. **CIVILITY.** Users must not harass other users using computer resources or make repeated unwelcome contacts with other users. For example, users must not display material that is inappropriate in an office environment, consistent with the Town of Perinton policies.

8. **APPLICABLE LAWS.** Users must obey local, state, and federal laws including laws on copyright and other intellectual property laws.

9. **BACK-UP PROCEDURE.** Users have full access to information on their designated Personal Computer. Each user has full access rights to a personal folder.

All user information must be placed in this folder. There is a desktop icon that backs up user's information to a network server. It is the user's responsibility to back-up their folder using this icon on a regular basis. Information that is not backed-up may be lost if there is a hard drive failure.

Councilperson Knapp made a motion, seconded by Councilperson Saum that the Information Processing Policy be approved as proposed by Mr. Donahue.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

#### AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH GAMETIME INC.

Recreation and Parks Commissioner Jim Donahue reviewed a memo to the Town Board in which he requested approval to purchase a playground and safety surface for Fellows Road Park. The playground and safety surface is manufactured by Game Time and is # PC62098 on the New York State Contract. The total cost is estimated at \$96,000.00.

The current playground at Fellows Road was installed approximately 30 years ago and no longer meets Consumer Product Safety Commission playground safety regulations. In addition, replacement parts are not available and costly repairs are occurring monthly. Game Time has designed and constructed many of the Town's playground systems. The playground material cost and installation is estimated at \$56,000 and the proposed playground surface and installation is approximately \$38,000. The safety surface recommended is GTIMPAX which is a recycled rubber material that has a carpet-type surface. The surface has several advantages including low maintenance.

The cost of the project will not exceed \$96,000 and was part of the Town of Perinton Comprehensive Parks and Open Space Master Plan for park improvements at Fellows Road Park.

Councilperson Knapp asked how the safety surface would be cleaned. Commissioner Donahue explained that it could be cleaned with a blower and bodily fluids could be washed off with a cleaner and water wash off.

Supervisor Smith asked if the funds for the purchase would come from the Special Recreation Fund and if this was planned for in this year's budget. Commissioner Donahue confirmed that it was.

Councilperson Havens made a motion, seconded by Councilperson Saum, authorizing the Supervisor to sign a contract with Game Time Inc. in an amount not to exceed \$96,000.00 for the purchase of a playground and safety surface for Fellows Road Park.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

#### DECLARATION: UNSAFE BUILDING 16 TILEGATE

John Beck, Deputy Director of Code Enforcement and Development reviewed a memo to the Town Board regarding an Unsafe Structure at 16 Tilegate Glen.

Tilegate Glen is located off of Willingate near the Whitney Ridge apartments and 16 Tilegate is a townhouse unit with townhouse units on either side.

On January 22, 2008, the property sustained substantial damage due to a fire. On January 23, 2008, the Town Board authorized this structure to be secured by Emergency Enclosures and the invoices to be paid. In April of 2009, Greg Seigfred, Town of Perinton Fire Marshal made a site visit to the property to assess the exterior area and determine if the property was still vacant. Mr. Seigfred determined that the property was still boarded up, the roof was tarped and no cleanup had taken place from the initial fire. The debris left from the fire was still in the front driveway area and on the rear deck. There was broken glass and other debris scattered around the property. It appeared the rear deck was in structural failure and would collapse if any load was placed on it.

On May 1, 2009, a violation notice was sent to the property owner. To date, the Town has had no contact with the owner of the property regarding the violations. On May 24, 2009, a call was placed to Countrywide Mortgage Company advising the company of the condition of its property and requesting action to be taken. Countrywide officials indicated that they would have someone look at the property. In July of 2009, the Code Enforcement and Development office received a concern that children were playing in the debris in the driveway of the property.

On July 16, 2009, an external site visit inspection was performed by Torchia Structural Engineering & Design P.C. Also present from the Town of Perinton were Mike Doser, Tim Oakes, Greg Seigfred and John Beck. Mr. Torchia says in his report that there may be extensive damage to the inside of 16 Tilegate that cannot be seen from the exterior. There may be rodent damage, mold, wet or dry rot, fire damage to the interior walls, roof trusses, etc. He also recommended that the deck at the rear of the property be removed and the debris in front of the townhouse be removed as soon as possible. On July 17, 2009, Mr. Beck contacted the foreclosure department of BAC Tax Services (formerly Countrywide Mortgage) and was told that they would be sending contractors to the property for estimates to clean-up the property.

To date the property continues to be vacant and no action has been taken by the property owner or BAC Tax Services to clean up the exterior or rebuild the structure. Mr. Beck believes that the property at 16 Tilegate is unsafe for occupancy and is in a serious state of disrepair. He is recommending that the first step be to clean up the property and debris in the driveway and near the front entry door immediately pursuant to Section 95-10 of the Town Code. All expenses incurred would be collected pursuant to Section 95-11 of the Town Code. Mr. Beck's second request is for authorization of an internal structural inspection of the unit to determine structural damage to the unit and adjoining properties.

Councilperson LaFay asked whether part of Mr. Beck's request would be for authorization of removal of the deck and Mr. Beck said that that is not part of the request at this time. Town Attorney Place asked whether the deck could be boxed off so that no one goes on it and Mr. Beck amended his first request to include having the deck boxed out or boarded off. He would also like to include having a padlock put on one of the open garage doors.

Councilperson LaFay asked who owns the property at 16 Tilegate and Mr. Beck said that it is Rachel Bailey of East Main Street in Rochester.

Councilperson Knapp expressed concern for the neighbors adjacent to this property. Mr. Beck explained that there is a masonry wall between the units and doesn't believe that there is any structural damage and agreed that the immediate concern is for children playing in the debris outside the property.

Don Cofsky, 36 Tilegate Glen, reiterated many of the concerns identified by Mr. Beck from a nearby resident perspective and explained that this neighborhood does not have homeowners association to help address these concerns. Mr. Cofsky requested that the Town Board "take immediate steps to remediate the deplorable situation that exists on the exterior at 16 Tilegate Glen".

Councilperson Knapp made a motion, seconded by Councilperson Saum, that the Town Board declare 16 Tilegate Glen as unsafe, have the exterior of the unit cleaned up, secure the deck and garage and authorize an internal structural inspection of the unit.

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

Supervisor Smith asked whether there is any fire insurance on the property at 16 Tilegate and Mr. Beck said that the mortgage company has been reluctant to give out that information.

#### AUDIT APPROVED

A motion was made by Councilperson Saum, seconded by Councilperson LaFay that Audit #7 for July 2009 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

#### JULY AUDIT

General Fund	\$61,136.40
Town Outside of Village	99,944.48
Recreation	150,052.44
Highway General Repair	268,938.88
Highway Snow & Miscellaneous	368,881.29
Joint Sewer	5,192.11
Debt Service Sewer	2,902.00
Egypt Fire Protect District	300.00
Fairmont Hills Maintenance District	3,710.00
Wisteria Grove Maintenance District	1,547.00
DPW Redevelopment	191,940.53
Trimatec Purchase	<u>24,571.64</u>
	\$1,179,116.77 Total

The above items were numbers 74784-75037.

#### JULY MANUAL

General Fund	\$255,921.44
Town Outside of Village	4,229.94
Recreation	26,885.76
Joint Sewer	9,339.06
Midlands Lighting District	391.93
Deer Run Lighting District	1,341.66
Misty Meadows Lighting District	<u>105.93</u>
	\$298,215.72 Total

The above items were paid with checks # 74466-74470,7481-74486.

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 meeting was adjourned at 8:50 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk