

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, January 27, 2010

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 Donahue, Commissioner of Recreation and Parks; Jennifer A. West, Town Clerk; Michael Doser, Director of Code Enforcement and Development; John Beck, Deputy Director Code Enforcement and Development; Carol Johnston, Deputy Town Clerk; Jeffrey Myers, Recreation Director; T.C. Lewis, Planning Board; Steve VanVreede, Recreation and Parks Advisory Board.

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

Councilperson Havens made a motion, seconded by Councilperson LaFay, that the minutes of the Town Board meeting of January 13, 2010 be approved as submitted by the Town Clerk.

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

ORDER FOR HEARING
AMENDMENT TO SECTION 208 OF THE TOWN OF PERINTON
PUBLIC NOTICE SIGN CODE

John Beck, Deputy Director of Code Enforcement and Development stated that the public notice signs, also known as “notice of application” signs, for an upcoming application must be posted ten days prior to the public hearing, according to the current Town Code. Mr. Beck is proposing that the Code be changed to require that an applicant post the Public Notice sign fourteen days (14) in advance of the upcoming public hearing to allow for the Code Enforcement and Development Office to visit the applicant’s site and photograph the Public Notice sign.

Supervisor Smith requested that the wording “before the Town Board” be added to the proposed code § Section 208-60 E, after the phrase, “Special Permit applications and Rezoning applications”.

Judith McNulty, Thayer Road, commented that she likes this increased timeframe in that it allows the public more time to notice the application signs in Town.

Mr. Beck mentioned that the Code Enforcement and Development Office will also be developing a system for the staff to install and photograph the signs, track the cut off dates and update the file associated with the application.

The new proposed § Section 208-60 E follows:

Deleted Text
Added Text

§ Section 208-54 F

- F. Notice of application. All *applicants applications* for special permits or temporary activity permits shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than *10 days 14 days* prior to and up to the date of the hearing. The Town shall advertise the application in the official newspaper of the Town, as required by § 274-b of the Town Law. [Amended 7-26-2006 by L.L. No. 4-2006]

§ Section 208-60 E

- E. All applications before the Planning Board, Board of Appeals *and Special Permit and Rezoning applications before the Town Board* shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than *10 days 14 days* prior to and up to the date of the hearing.

ORDER FOR HEARING
AMENDMENT TO SECTION 208 OF THE TOWN OF PERINTON
PODS AND DUMPSTER CODE

John Beck, Deputy Director of Code Enforcement and Development stated that over the course of the last few years the Town has begun to see portable on-site deliverable storage units (PODS) showing up in driveways for extended periods of time. These are being used as storage sheds to keep household goods in, sometimes for months on end. There have also been a number of instances where property owners have a roll-off dumpster in the driveway for a period of up to six months. Mr. Beck is proposing a change to the Town Code to limit the duration of both of these types of units on properties.

Councilperson LaFay asked Mr. Beck if site plan approval would be required if a resident rented a roll off dumpster for a week or so. Mr. Beck said that no site plan approval would be required and the time limits in number 1 below would apply.

Councilperson Saum asked whether a resident could receive a variance if they moved into Perinton and had multiple PODS full of their belongings. The variance mentioned in the new code is for the time period allowed and Mr. Beck said that in the case of multiple PODS a visit by Code Enforcement and Development would be made to assess the situation and alert the resident to the new Code.

The proposed new § Section 208-14 T follows:

Deleted Text

Added Text

§ Section 208-14 T

- E. *The outside storage of construction materials, construction dumpsters, portable or temporary storage units or construction equipment may have a negative impact on the adjoining properties and is limited by these regulations.*
- 1. Portable on-site deliverable storage units (PODS) are permitted to be on a property for a period of time not to exceed thirty (30) days per calendar year.*
 - 2. The use of roll-off dumpsters on residential properties is limited to a duration of thirty (30) days, or for forty-five (45) days if there is an active building permit on the property. On non-residential property the use is limited to the period a permit is active on the property and the location is required to be at the rear or sides of the building, if at all possible.*

3. *Only one (1) portable on-site deliverable storage units (PODS) or / roll- off dumpster shall be located on a residential property at a time.*
4. *The Planning Board may approve the outside storage of materials as part of a site plan approval for non-residential properties.*
5. *The above regulations do not apply to activities related to farming operations, as such are defined within the New York State Agriculture and Markets Law.*
6. *A special permit may be granted by the Zoning Board of Appeals in accordance with Chapter 208, Zoning, § 208-54, to allow relief from the requirements found in A, B & C above. These permits may be granted for a defined time period, as determined by the Zoning Board of Appeals.*
7. *Dumpsters other than those used for construction purposes require site plan approval from the Planning Board and are required to be screened from ground view, per 208-14M.*

ORDER FOR HEARING
AMENDMENT TO SECTION 88 OF THE TOWN OF PERINTON
BUILDING CODE ADMINISTRATION

John Beck, Deputy Director of Code Enforcement and Development, stated that the Town has recently changed the title of the Director of Building Department to the Director of Code Enforcement and Development. Chapter 88 references the title ninety-two times and the Code should be changed to reflect the new title.

Also in § Section 88-5 D (2), item C should be removed as this is included in the new section of the Town Code referencing Fences and does require a building permit.

Additional proposed changes to this section deal with the time limits for permits. Mr. Beck explained that many smaller projects do not take the eighteen (18) months allowed for in the current code and therefore the time limit is proposed to be shortened to six (6) months. These projects would include swimming pools, hot tubs, fences, electrical, sewer, generators and wood stoves/fireplaces.

Steve VanVreede, 130 Selbourne Chase, asked whether there was any provision in the code for a homeowner that gets delayed with one of the projects mentioned above and needed an extension to that six month permit time limit. Mr. Beck said that the Director of Code Enforcement and Development may extend the permit time length.

The proposed new § Section 88 follows:

Deleted Text

Added Text

- *Director of the Building Department* will be replaced with ***DIRECTOR OF CODE ENFORCEMENT & DEVELOPMENT***

§ 88-1. Interpretation and application.

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the most restrictive provisions, or those imposing the higher standards, shall govern.

§ 88-2. Administration and enforcement of state and Town standards.

A. Purpose and intent. This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), the State Energy Conservation Construction Code (the Energy Code) and the codes of the Town of Perinton in the Town of Perinton. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

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

BUILDING PERMIT -- A permit issued pursuant to Subsection D of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY; CERTIFICATE OF COMPLIANCE -- A certificate issued pursuant to Subsection G(2) of this chapter.

DIRECTOR OF THE BUILDING DEPARTMENT DIRECTOR OF CODE ENFORCEMENT & DEVELOPMENT -- *The Director of the Building Department The Director of Code Enforcement and Development* appointed pursuant to Subsection C(2) of this chapter.

CODE ENFORCEMENT PERSONNEL -- *The Director of the Building Department The Director of Code Enforcement and Development* and all inspectors.

COMPLIANCE ORDER -- An order issued by *the Director of the Building Department the Director of Code Enforcement and Development* pursuant to Subsection O(1) of this chapter.

ENERGY CODE -- The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR -- An inspector appointed pursuant to Subsection C(4) of this chapter.

OPERATING PERMIT -- A permit issued pursuant to Subsection J of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

PERMIT HOLDER -- The person to whom a building permit has been issued.

PERSON -- An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER -- An order issued pursuant to Subsection F of this chapter.

TOWN -- The Town of Perinton.

UNIFORM CODE -- The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

C. *Director of the Building Department* **Director of Code Enforcement and Development** and inspectors.

1. The office of *Director of the Building Department* **Director of Code Enforcement and Development** is hereby created within the Department of Public Works. *The Director of the Building Department* **The Director of Code Enforcement and Development** shall administer and enforce all the provisions of the Uniform Code, the Energy Code, the codes of the Town of Perinton and this chapter. *The Director of the Building Department* **The Director of Code Enforcement and Development** shall have the following powers and duties:
 - (a) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance and operating permits, and the plans, specifications and construction documents submitted with such applications;
 - (b) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance and operating permits such terms and conditions as *the Director of the Building Department* **the Director of Code Enforcement and Development** may determine to be appropriate;
 - (c) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
 - (d) To issue stop-work orders;
 - (e) To review and investigate complaints;
 - (f) To issue orders pursuant to Subsection O(1), Compliance orders, of this chapter;
 - (g) To maintain records;
 - (h) To collect fees as set by the Town Board.
 - (i) To pursue administrative enforcement actions and proceedings;
 - (j) In consultation with the Town's attorney and the Commissioner of Public Works, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, the codes of the Town of Perinton and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, the codes of the Town of Perinton or this chapter;
 - (k) To provide the Board of Appeals in writing with all facts pertaining to his refusal to issue such permits whenever such information shall be requested by said Board; and
 - (l) To exercise all other powers and fulfill all other duties conferred upon *the Director of the Building Department* **the Director of Code Enforcement and Development** by this chapter.
2. *The Director of the Building Department* **The Director of Code Enforcement and Development** shall be appointed by the Town Board and report to the Commissioner of Public Works. *The Director of the Building Department* **The Director of Code Enforcement and Development** shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced

in-service training and other training as the State of New York shall require for code enforcement personnel, and *the Director of the Building Department the Director of Code Enforcement and Development* shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

3. In the event that *the Director of the Building Department the Director of Code Enforcement and Development* is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting *Director of the Building Department Director of Code Enforcement and Development*. The Acting *Director of the Building Department Director of Code Enforcement and Development* shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon *the Director of the Building Department the Director of Code Enforcement and Development* by this chapter.
4. One or more inspectors may be appointed by the Town Board to act under the supervision and direction of *the Director of the Building Department the Director of Code Enforcement and Development* and to assist *the Director of the Building Department the Director of Code Enforcement and Development* in the exercise of the powers and fulfillment of the duties conferred upon *the Director of the Building Department the Director of Code Enforcement and Development* by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
5. The compensation for *the Director of the Building Department the Director of Code Enforcement and Development* and inspectors shall be fixed from time to time by the Town Board.

D. Building permits.

- (1) Building permits required. Except as otherwise provided in Subsection D(2) of this section, a building permit shall be required for any work which must conform to the Uniform Code, the Energy Code and/or the codes of the Town of Perinton, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, the addition to, alteration of, replacement or relocation of any water service, sewer, drainage, gas, soil, waste, vent or similar piping, electrical wiring, fuel gas piping, mechanical system, fire protection equipment or other work affecting public health or safety and the installation of a solid-fuel-burning heating appliance, chimney or flue. No person shall commence any work for which a building permit is required without first having obtained a building permit from *the Director of the Building Department the Director of Code Enforcement and Development*.
- (2) Exemptions. No building permit shall be required for work in any of the following categories:
 - (a) Installation of swings and other similar playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses), except structural recreational facilities as required in § 208-24 of this Code;
 - (b) Installation of swimming pools associated with a one- or two- family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

- (c) *Installation of fences which are not part of an enclosure surrounding a swimming pool;*
 - (d)(e) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (e)(d) Construction of temporary motion picture, television and theater stage sets and scenery;
 - (f)(e) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single family dwellings (townhouses);
 - (g)(f) Installation of partitions or movable cases less than five feet nine inches in height;
 - (h)(g) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (i)(h) (Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (j)(i) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (k)(j) Repairs, provided that such repairs do not involve:
 - [1] The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - [2] The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - [3] The enlargement, alteration, replacement or relocation of any building system; or
 - [4] The removal from service of all or part of a fire protection system for any period of time.
- (3) Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection D(2) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or the codes of the Town of Perinton.
- (4) Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to *the Director of the Building Department the Director of Code Enforcement and Development*. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as *the Director of the Building Department the Director of Code Enforcement and Development* deems sufficient to allow a determination by *the Director of the Building Department the Director of Code Enforcement and Development* that the intended work complies with all applicable requirements of the Uniform Code, the Energy Code and the codes of the Town of Perinton. The application shall include or be accompanied by the following information and documentation:
- (a) A description of the proposed work;
 - (b) A survey map of the property;

- (c) The Tax Map number and the street address of the premises where the work is to be performed;
 - (d) The occupancy classification of any affected building or structure;
 - (e) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (f) At least two sets of construction documents (drawings and/or specifications) which:
 - [1] Define the scope of the proposed work;
 - [2] Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - [3] Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - [4] Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - [5] Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (5) Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements of Subsection D(4) above. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by *the Director of the Building Department the Director of Code Enforcement and Development* in writing or by stamp. One set of the accepted construction documents shall be retained by *the Director of the Building Department the Director of Code Enforcement and Development*, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.
- (6) Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and the codes of the Town of Perinton. *the Director of the Building Department the Director of Code Enforcement and Development* shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, Energy Code and the codes of the Town of Perinton.
- (7) Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (8) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The permit holder shall immediately notify *the Director of the Building Department the Director of Code Enforcement and Development* of any change occurring during the course of the work. If *the Director of the Building Department the Director of Code Enforcement and Development* determines that such change warrants a

new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

- (9) Time limits. Building permits shall become invalid unless the authorized work is commenced within three months following the date of issuance. Building permits shall expire 18 months after the date of issuance, with the exception of building permits for ***the following which shall expire 6 months after the date of issuance:***

- (a) ***Swimming Pools***
- (b) ***Hot Tubs***
- (c) ***Fences***
- (d) ***Electrical***
- (e) ***Sewer***
- (f) ***Generators***
- (g) ***Wood Stoves and Fireplaces***

A building permit which has become invalid or which has expired pursuant to this subsection may be renewed once upon application by the permit holder, payment of the applicable fee, and approval of the application by ***the Director of the Building Department the Director of Code Enforcement and Development.***

- (10) Revocation or suspension of building permits. If ***the Director of the Building Department the Director of Code Enforcement and Development*** determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code, the Energy Code or the codes of the Town of Perinton, ***the Director of the Building Department the Director of Code Enforcement and Development*** shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code or the codes of the Town of Perinton and all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code and the codes of the Town of Perinton.

- (11) Fee. The fee specified in or determined in accordance with the provisions set forth in Subsection P, Fees, of this chapter must be paid at the time of issuance of a building permit, for an amended building permit, or for renewal of a building permit.

E. Construction inspection.

(1) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by ***the Director of the Building Department the Director of Code Enforcement and Development*** or by an inspector authorized by ***the Director of the Building Department the Director of Code Enforcement and Development.*** The permit holder shall notify ***the Director of the Building Department the Director of Code Enforcement and Development*** when any element of work described in Subsection E(2) of this section is ready for inspection.

- (2) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (a) Work site prior to the issuance of a building permit;
- (b) Footing and foundation;
- (c) Preparation for concrete slab;
- (d) Framing;
- (e) Building systems, including underground and rough-in, drainage systems, HVAC, electrical, fuel gas piping, water supply, fire suppression systems;
- (f) Fire-resistant construction;
- (g) Fire-resistant penetrations;

- (h) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (i) Energy Code compliance, including insulation, windows, mechanical systems;
 - (j) Site grading and required site improvements, where applicable; and
 - (k) A final inspection after all work authorized by the building permit has been completed.
- (3) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, Energy Code or the codes of the Town of Perinton. Work not in compliance with any applicable provision of the Uniform Code, Energy Code or the codes of the Town of Perinton shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code and the codes of the Town of Perinton, reinspected, and found satisfactory as completed.
- (4) Fee. The fee specified in or determined in accordance with the provisions set forth in Subsection P, Fees, of this chapter may be charged for reinspection of failed inspections and shall be collected prior to the issuance of a certificate of occupancy or certificate of compliance.

F. Stop-work orders.

- (1) Authority to issue. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** is authorized to issue stop-work orders pursuant to this section. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** shall issue a stop-work order to halt:
- (a) Any work that is determined by *the Director of the Building Department* ***the Director of Code Enforcement and Development*** to be contrary to any applicable provision of the Uniform Code, Energy Code or the codes of the Town of Perinton without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - (b) Any work that is being conducted in a dangerous or unsafe manner in the opinion of *the Director of the Building Department* ***the Director of Code Enforcement and Development*** without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - (c) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- (2) Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by *the Director of the Building Department* ***the Director of Code Enforcement and Development*** or his designee, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- (3) Service of stop-work orders. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder)

personally or by first-class or registered mail and posting the order on the property. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by first-class or registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

- (4) Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.
- (5) Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection F(1) of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under Subsection O, Violations, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

G. Certificates of occupancy/certificates of compliance.

- (1) Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance. A failure to obtain a certificate of occupancy/certificate of compliance prior to use or occupancy shall constitute a violation of this section.
- (2) Issuance of certificates of occupancy/certificates of compliance. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code, Energy Code and Zoning Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, Energy Code and Zoning Code. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** or an inspector authorized by *the Director of the Building Department* ***the Director of Code Enforcement and Development*** shall inspect the building, structure or work prior to the issuance of a certificate of occupancy temporary certificate/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to *the Director of the Building Department* ***the Director of Code Enforcement and Development***, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to *the Director of the Building Department* ***the Director of Code Enforcement and Development*** prior to the issuance of the certificate of occupancy/certificate of compliance:

- (a) A written statement of structural observations and/or a final report of special inspections;
 - (b) Flood hazard certifications; and
 - (c) A survey map of the property showing the newly constructed building(s).
- (3) Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:
- (a) The building permit number, if any;
 - (b) The date of issuance of the building permit, if any;
 - (c) The name, address, and tax map number of the property;
 - (d) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
 - (e) The use and occupancy classification of the structure;
 - (f) The type of construction of the structure;
 - (g) The assembly occupant load of the structure, if any;
 - (h) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (i) Any special conditions imposed in connection with the issuance of the building permit; and
 - (j) The signature of *the Director of the Building Department the Director of Code Enforcement and Development* issuing the certificate of occupancy/certificate of compliance and the date of issuance.
- (4) Revocation or suspension of certificates. If *the Director of the Building Department the Director of Code Enforcement and Development* determines that a certificate of occupancy/certificate of compliance was issued in error because of incorrect, inaccurate or incomplete information, or that the conditions of approval of the Town Board, Planning Board or Zoning Board of Appeals have been violated, and if the relevant deficiencies are not corrected to the satisfaction of *the Director of the Building Department the Director of Code Enforcement and Development* within such period of time as shall be specified by *the Director of the Building Department the Director of Code Enforcement and Development*, *the Director of the Building Department the Director of Code Enforcement and Development* shall refer the matter to the Town Board for a hearing to revoke or suspend such certificate, unless he shall determine such deficiencies create an immediate danger to the health, safety and welfare of the public, at which time he shall immediately revoke or suspend the certificate.
- (5) Fee. The fee specified in or determined in accordance with the provisions set forth in Subsection P, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy/certificate of compliance.

- H. Notification regarding fire or explosion. The chief of any fire department providing fire-fighting services for a property within the Town of Perinton shall promptly notify *the Director of the Building Department the Director of Code Enforcement and Development* of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.
- I. Unsafe buildings and structures. Unsafe structures and equipment in the Town of Perinton shall be identified and addressed in accordance with the procedures established in Chapter 95 of the Code of the Town of Perinton, as now in effect or as hereafter amended from time to time.
- J. Operating permits. Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection J(1) shall be required to obtain an operating permit prior to commencing such activity or operation.
- (1) Operating permits required. Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;
 - (b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (c) Use of pyrotechnic devices in assembly occupancies;
 - (d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - (e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town of Perinton.
 - (2) Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to *the Director of the Building Department the Director of Code Enforcement and Development*. Such application shall include such information as *the Director of the Building Department the Director of Code Enforcement and Development* deems sufficient to permit a determination by *the Director of the Building Department the Director of Code Enforcement and Development* that quantities, materials, and activities conform to the requirements of the Uniform Code. If *the Director of the Building Department the Director of Code Enforcement and Development* determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to *the Director of the Building Department the Director of Code Enforcement and Development*, at the expense of the applicant.
 - (3) Inspections. *the Director of the Building Department the Director of Code Enforcement and Development* or an inspector authorized by *the Director of the Building Department the Director of Code Enforcement and Development* shall inspect the subject premises prior to the issuance of an operating permit.
 - (4) Multiple activities. In any circumstance in which more than one activity listed in Subsection J(1) of this section is to be conducted at a location, *the Director of the Building Department the Director of Code Enforcement and Development* may require a separate operating permit for each such activity, or *the Director of the Building Department the Director of Code*

Enforcement and Development may, in his or her discretion, issue a single operating permit to apply to all such activities.

- (5) Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by *the Director of the Building Department the Director of Code Enforcement and Development* to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to *the Director of the Building Department the Director of Code Enforcement and Development*, payment of the applicable fee, and approval of such application by *the Director of the Building Department the Director of Code Enforcement and Development*.
- (6) Revocation or suspension of operating permits. If *the Director of the Building Department the Director of Code Enforcement and Development* determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- (7) Fee. The fee specified in or determined in accordance with the provisions set forth in Subsection P, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

K. Firesafety and property maintenance inspections.

- (1) Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by *the Director of the Building Department the Director of Code Enforcement and Development* or an inspector designated by *the Director of the Building Department the Director of Code Enforcement and Development* at the following intervals:
 - (a) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.
 - (b) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
 - (c) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection K(1) or (2) of this section, and all nonresidential buildings, structures, uses and occupancies not included in Subsection K(1) or (2) of this section, shall be performed at least once every 36 months.
- (2) Inspections permitted. In addition to the inspections required by Subsection K(1) of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by *the Director of the Building Department the Director of Code Enforcement and Development* or an inspector designated by *the Director of the Building Department the Director of Code Enforcement and Development* at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by *the Director of the Building Department the Director of Code Enforcement and Development* of a written statement alleging that conditions or activities failing to comply with the Uniform Code, Energy Code or the codes of the Town of Perinton exist; or receipt by *the Director of the Building Department the Director of Code Enforcement and Development* of any other information, reasonably believed by *the Director of the Building Department the Director of Code*

Enforcement and Development to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, Energy Code or the codes of the Town of Perinton exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

- (3) OFPC Inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.
- (4) Fee. The fee specified in or determined in accordance with the provisions set forth in Subsection P, Fees, of this chapter must be paid prior to or at the time each inspection is performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

L. Complaints. *The Director of the Building Department* ***The Director of Code Enforcement and Development*** shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or the codes of the Town of Perinton or regulations adopted for administration and enforcement of the Uniform Code, the Energy Code or the codes of the Town of Perinton. The process for responding to a complaint shall include such of the following steps as *the Director of the Building Department* ***the Director of Code Enforcement and Development*** may deem to be appropriate:

- (1) Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (2) If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Subsection O, Violations, of this chapter;
- (3) If appropriate, issuing a stop-work order;
- (4) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

M. Recordkeeping.

- (1) *The Director of the Building Department* ***The Director of Code Enforcement and Development*** shall keep permanent official records of all transactions and activities conducted by all Code Enforcement personnel, including records of:
 - (a) All applications received, reviewed and approved or denied;
 - (b) All plans, specifications and construction documents approved;
 - (c) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;
 - (d) All inspections and tests performed;
 - (e) All statements and reports issued;

- (f) All complaints received;
- (g) All investigations conducted;
- (h) All other features and activities specified in or contemplated by Subsections D through L, inclusive, of this chapter; and
- (i) All fees charged and collected.

(2) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

N. Program review and reporting.

- (1) *The Director of the Building Department The Director of Code Enforcement and Development* shall annually submit to the Town Board of the Town of Perinton a written report and summary of all business conducted by *the Director of the Building Department the Director of Code Enforcement and Development* and the inspectors, including a report and summary of all transactions and activities described in Subsection M, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.
- (2) *The Director of the Building Department The Director of Code Enforcement and Development* shall annually submit to the Secretary of State, on behalf of the Town of Perinton on a form prescribed by the Secretary of State, a report of the activities of the Town of Perinton relative to administration and enforcement of the Uniform Code.
- (3) *The Director of the Building Department The Director of Code Enforcement and Development* shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Town of Perinton is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Town of Perinton in connection with administration and enforcement of the Uniform Code.

O. Violations.

- (1) Compliance orders. *The Director of the Building Department The Director of Code Enforcement and Development* is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, the codes of the Town of Perinton or this chapter. Upon finding that any such condition or activity exists, *the Director of the Building Department the Director of Code Enforcement and Development* shall issue a compliance order. The compliance order shall be in writing; be dated and signed by *the Director of the Building Department the Director of Code Enforcement and Development* or inspector; specify the condition or activity that violates the Uniform Code, the Energy Code, the codes of the Town of Perinton or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, the codes of the Town of Perinton or this chapter which is/are violated by the specified condition or activity; specify the period of time which *the Director of the Building Department the Director of Code Enforcement and Development* deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. *The Director*

of the Building Department **The Director of Code Enforcement and Development** shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by first-class mail. *The Director of the Building Department* **The Director of Code Enforcement and Development** shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by first-class mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

- (2) Appearance tickets. *The Director of the Building Department* **The Director of Code Enforcement and Development** and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- (3) Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code, the codes of the Town of Perinton or this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, stop-work order, operating permit or other notice or order issued by *the Director of the Building Department* **the Director of Code Enforcement and Development** pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town of Perinton.
- (4) Injunctive relief. An action or proceeding may be instituted in the name of the Town of Perinton, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, the codes of the Town of Perinton, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, stop-work order, operating permit, compliance order, or other notice or order issued by *the Director of the Building Department* **the Director of Code Enforcement and Development** pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, the codes of the Town of Perinton, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code, the codes of the Town of Perinton or this chapter, an action or proceeding may be commenced in the name of the Town of Perinton, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of the Town of Perinton.
- (5) Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Subsection F, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in Subsection F, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this

section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

- P. Fees. A fee schedule shall be established by resolution of the Town Board of the Town of Perinton. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, operating permits, firesafety and property maintenance inspections, and other actions of *the Director of the Building Department the Director of Code Enforcement and Development* described in or contemplated by this chapter.
- Q. Intermunicipal agreements. The Town Board of the Town of Perinton may, by resolution, enter into an agreement in the name of the Town of Perinton with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

Mr. Beck asked that the Board set a date for a Public Hearing to discuss the proposed changes to Chapters 208 and 88 of the Code of the Town of Perinton.

A motion was made by Councilperson Havens, seconded by Councilperson LaFay, that 8:00 pm on February 24, 2010 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 Sections 208 and 88 of the Code of the Town of Perinton.

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

ORDER FOR HEARING
NEW CONTRACT
PERINTON AMBULANCE CORPS, INC.

The following motion was made by Councilperson Saum, seconded by Councilperson Knapp, that a Public Hearing be held on February 24, 2010, to approve the new contract for the Perinton Volunteer Ambulance Corps, Inc as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Perinton, Monroe County, New York, at the Town Hall, 1350 Turk Hill Road, Fairport, New York on February 24, 2010 at 8:00 p.m. for the purpose of considering a new contract with Perinton Volunteer Ambulance Corps, Inc. to provide for the payment of \$325,000 per year.

All persons interested in the matter will be heard at such time and place.

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

SPECIAL USE PERMIT DECISION
TOPS MARKET LLC
FUELING FACILITY

Supervisor Smith stated that the Town held a Public Hearing on November 18, 2009 regarding an application from Tops Markets LLC requesting a Special Use Permit to allow the addition of a fuel facility at 6720 Pittsford-Palmyra Road.

Supervisor Smith stated that the Town Board has received a memo from the Conservation Board dated December 4, 2009 stating that they find no impediment to granting the Special Use Permit and therefore, implicit in that is that they see no environmental concerns. The Conservation Board will follow this application as it moves through the Planning Board and there will be additional opportunities to monitor the environmental factors relative to the application as it moves forward.

Councilperson Saum made a motion, seconded by Councilperson Knapp, that the proposal for the addition of a fuel facility at the Tops Market located at 6720 Pittsford-Palmyra Road be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) because the addition will in no way negatively affect the environment.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

Councilperson Havens made a motion, seconded by Councilperson Saum that the Town Board approve a Special Use Permit (under section 208-41-A-4-e) for a Tops gasoline service station that is to be an integral part of the Perinton Square Mall based on:

- Site Plans received 9/25/2009.
- Special Use Permit application received 10/7/2009.
- Referral from Monroe County Planning Dept. received on 10/16/09 declaring the application a local matter.
- Referral from the Perinton Conservation Board dated 12/4/09 which recommended the Special Use Permit approval.
- Referral from the Perinton Planning Board dated November 7, 2009 which recommended the Special Use Permit approval.
- The Town Board held a Public Hearing on November 18, 2009 relative to the Special Use Permit. There were no negative comments at the hearing regarding this proposal.
- This area of the mall parking lot is underutilized and has space available. This use will assist Tops in marketing their products and will provide competition in the area. This should result in better prices for consumers. The proposed area is surrounded by non-residential uses.
- The Board has reviewed Section 208-54 D and finds this application to be in compliance.

The Special Use Permit shall be conditioned on the following:

1. The applicant shall address internal traffic patterns as a part of their site plan application as detailed in letters from our Traffic Consultant (Erdmann & Anthony) dated November 30, 2009 and January 1, 2010. Included in this effort will be a change in the access into the mall from Route 31, giving entering cars the right-of-way and stopping cars exiting at that intersection. Internal drive aisles shall be more restricted to better channel traffic and eliminate unrestricted cross-access.
2. Signage shall be in accordance with the code and no variances shall be applied for.
3. No internal canopy lighting will be allowed. Any signage permitted on the canopy shall be limited to the west and south facades.
4. The hours of operation shall be no greater than 6 am to 11 pm.
5. A letter of credit or similar guarantee shall be posted with the town to provide for the removal of the gas station appurtenances (including tanks) should this service be abandoned (defined as non-usage for a one year period) by the applicant in the future.
6. A lighting plan must be approved by the Planning Board. Between the hours of 11:00 PM and 6:00 AM, and during any other non-operational

hours of the gas station, only security lighting will be allowed.

Variances to these conditions will require Town Board approval.

Judith McNulty, Thayer Road asked which Board determines where the gasoline pumps are located or if it has been predetermined. Supervisor Smith explained that the Town Board is considering the “use” and that it would be up to the Planning Board to determine the location of the fueling facility. Implicit in the Town Board approval of the Special Use Permit is the general location.

Ms. McNulty also commented on the confusing traffic pattern in the plaza and Mr. VanVreede added that he is concerned about the traffic coming out of the Post Office.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AUTHORIZE TAX PAYMENTS

Supervisor Smith said that, in a memo dated January 20, 2010, Tax Receiver Karen Heim asked the Board to approve payment of the Town's portion of the 2010 Town & County tax bill for Time Warner Cable and approve payment of the 2010 Town & County property tax bills to the Perinton Receiver and the East Rochester Receiver as follows:

A letter has been received from Time Warner Cable (TWC) advising that, pursuant to a franchise agreement between TWC and the Town of Perinton, TWC pays the Town of Perinton a fee for a special franchise to operate its cable television business in the public right-of-way. Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee (whether it is based upon a percentage of gross earnings or is called a license fee or is some other sum paid on account of a special franchise) is to be deducted from the taxes levied upon a special franchise.

Pursuant to Section 626(2) of the New York Real Property Tax Law, TWC is requiring that the Town pay for the portion of Town taxes, in the amount of \$1,352.58 due on the 2010 County/Town bill.

In addition, the Town has tax payments on town property in the amounts of \$7,932.69 due to Karen L. Heim, Town of Perinton Receiver and \$1 due to Raymond Parrotta, East Rochester Receiver.

A motion was made by Councilperson Knapp, seconded by Councilperson Saum, that the Supervisor be authorized to draw a check in the amount of \$1,352.58 to Karen L. Heim, Receiver, for payment of the Town portion of taxes due on the following Time Warner bills:

500.00-1-492	\$177.89
500.00-5-327./13	\$ 52.86
500.00-5-327./PE1	\$ 58.97
500.00-5-327./PF1	\$117.47
500.00-5-327./PR1	\$945.39

and that the Supervisor be authorized to draw a check in the amount of \$7,932.69, payable to Karen L. Heim, Receiver of Taxes, Town of Perinton and a check for \$1 to Raymond Parrotta, Receiver of Taxes, Town of East Rochester, for 2010 Town and County taxes.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AWARD DPW EQUIPMENT BIDS

Commissioner Beck said that, on January 14, 2010, bids were opened for DPW new and replacement equipment. He asked the Board to approve the following purchases:

HIGHWAY DEPARTMENT

ITEM # 1: ONE NEW 2010, 4 DOOR ¾ TON HEAVY DUTY PICKUP TRUCK

There were three bids for this item and the low bid to meet specifications was from VanBortel Ford. It will replace Perinton #6. Commissioner Beck anticipates spending an additional \$500.00 on this vehicle for the in-house installation of emergency lighting and a tool rack. Commissioner Beck recommended that the bid be awarded to VanBortel Ford in the amount of \$26,750.00, and an additional \$500.00 expense be approved for the lighting and tool rack.

ITEM #2: ONE NEW 2010 MEDIUM DUTY 6-WHEEL CAB & CHASSIS WITH 8' BOX, HOIST, HYDRAULICS and ASSOCIATED SNOW PLOWS

Commissioner Beck recommended that this item be purchased from the New York State Bid Contract. It will replace Perinton #10 and the DPW will build, in house the material spreader for the rear of the truck. Parts and materials needed to complete the project will cost approximately \$6,000.00. Commissioner Beck recommended that this vehicle be purchased from the NYS Bid Contract for an amount of \$135,335.70 and that an additional \$6,000.00 expenditure be approved for the acquisition of materials to build a material spreader.

ITEM #3 ONE NEW 2010 HEAVY DUTY 10-WHEEL CAB & CHASSIS WITH 12' BOX, HOIST, HYDRAULICS and SNOW PLOWS

The sole bid which also meets all specifications for this item was from Kenworth of Buffalo. It will replace Perinton #33 and the DPW will build, in house the material spreader for the rear of this truck. Commissioner Beck recommended that the Board award the bid to Kenworth of Buffalo, for the amount of \$180,645.00 and that an additional expenditure of \$6,000.00 be authorized for parts to build the material spreader.

Commissioner Beck explained that there have been large changes on emission systems on large diesel trucks over the last few years. This truck will be a 2010 model but will have a new 2009 engine and will save the Town over \$10,000.00. Supervisor Smith asked whether this truck would still be compliant with current emissions standards and Commissioner Beck said that it would.

ITEM #4 ONE NEW 2010 SUPER DUTY (F-550), 4x2, 6 WHEEL CAB & CHASSIS

There were three bids for this vehicle and the lowest bid to meet specifications was from VanBortel Ford in the amount of \$35,030.00. Commissioner Beck recommended purchasing this vehicle from VanBortel Ford and also spending an additional \$16,000.00 for the acquisition of a dump body with hoist, a front mounted snowplow, emergency lights and hydraulics and sander controls for this vehicle.

ITEM #5 ONE NEW 2010 MEDIUM DUTY, 6 WHEEL CAB & CHASSIS, 4x2 WITH 16' BOX AND HOIST

This item was not bid at this time and will come before the Board at a later date.

ITEM #6 ONE NEW 2010 DIESEL POWERED, 4 WHEEL DRIVE BACKHOE

Commissioner Beck recommended that this item, a JCB backhoe, be purchased from the NYS Bid Contract in the amount of \$76,544.00.

SEWER DEPARTMENT

ITEM #1 ONE NEW 2010, 4 DOOR, 4x4, 5 PASSENGER SUV

There were three bids for this vehicle, the lowest bid coming from Genesee Valley Motors in the amount of \$22,597.65. This bid did not meet the advertised specifications in the area of engine type and therefore, Commissioner Beck recommended the purchase of this item from Basil Ford, Inc. for an amount of \$22,922.00. This bid and vehicle did meet the specifications. Commissioner Beck is also recommending that an additional \$500.00 be authorized toward the purchase of this vehicle for the addition of emergency lighting.

ITEM #2 NEW SEWER TELEVISIONING CAMERA SYSTEM

One bid, from Joe Johnson Equipment, was received for this item, as it is a specialty item. The camera system was bid with three options. Option 1, the camera unit itself, in the amount of \$23,545.00; Option 2, a motorized auto sensing cable drum, in the amount of \$8,739.00 and Option 3, a lightweight 200 meter crawler transmission cable, in the amount of \$5,370.00. Commissioner Beck recommended that all three options be acquired from Joe Johnson Equipment for the amount of \$36,831.00. This amount reflects a discount for the purchase of all three items.

ITEM #3 ONE NEW 2010 COMPACT 4x4, EXTENDED CAB PICKUP

Three bids were received on this item. The low bid to meet all of the specifications was from Vision Ford in the amount of \$18,472.00. Commissioner Beck recommended this purchase along with an additional \$1,150.00 to be spent for equipment to be added to this vehicle. The additional equipment includes an over the rail Rhino bed liner, toolbox and rack and emergency lighting.

CODE ENFORCEMENT AND DEVELOPMENT

ITEM #1 ONE NEW 2010 COMPACT 4x4 EXTENDED CAB PICKUP

This item is identical to Sewer Item #3 and again there were three bids for this item. Commissioner Beck is recommending that this vehicle be purchased from Vision Ford, the lowest bidder to meet specifications for the amount of \$18,472.00. Commissioner Beck is also recommending that an additional \$1,400.00 be spent to cover the cost of an over the rail Rhino bed liner, a rear box cap and emergency lighting.

Councilperson LaFay made a motion, seconded by Councilperson Havens, that the bids for DPW Equipment for the Highway, Sewer and Code Enforcement and Development Departments be awarded as recommended by Commissioner Beck.

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

APPROVE AMENDMENT TO 2010 SEWER BUDGET

Commissioner Beck stated that the Town Board had a memo from Town Finance Director Kevin Spacher, which stated that the 2010 Ford Ranger for the Sewer Department was included in last year's budget, as the Town had intended to purchase the vehicle in 2009. At this time, Mr. Spacher is asking the Board to consider a motion increasing the 2010 budget for Equipment in the Sewer Fund (07.8120.200) and increasing the Appropriated Fund Balance (07.599) by \$19,900 to allow for this purchase in 2010.

Councilperson Knapp made a motion, seconded by Councilperson Havens, to increase the 2010 budget for Equipment in the Sewer Fund (07.8120.200) and increase the Appropriated Fund Balance (07.599) by \$19,900 to allow for this purchase in 2010.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AWARD BIDS

RECREATION SUPPLIES, ARTS & CRAFTS, WEARING APPAREL, JANITORIAL SERVICES AT PCC

Commissioner Donahue said that bids for recreation supplies were opened on January 14, 2010. He explained that the total cost of these four items would represent an approximate \$1,500.00 savings to the Town for 2010 versus 2009. The bids have been reviewed; Commissioner Donahue recommended the following bids be awarded:

Recreation Supplies

Anaconda Sports, 85 Katrine Lane, Lake Katrine, NY 12449, \$51.84
Jim Dalberth's Sporting Goods, 925 Genesee Street, Rochester, NY 14611, \$854.70
Greg Larson Sports, P.O. Box 567, Brainerd, MN 56401, \$146.88
J. P. Sports, P.O. Box 210636, Montgomery AL 210636, \$496.76
Sports Supply Group, P.O. Box 49, Jenkintown, PA 19046, \$2,607.66

Arts & Crafts

S & S Worldwide, P.O. Box 513, Colchester CT 06415, \$735.14
Nasco, 901 Jamesville Avenue, Fort Atkinson WI 53538, \$919.78
Discount School Supply, 2 Lower Ragsdale Drive, Monterey CA 93940, \$1,515.08
Sax Arts & Crafts, P.O. Box 510710, New Berlin, WI 53151, \$246.33
Oriental Trading Company, 4206 South 108th Street, Omaha NE 68137, \$1,447.54

Wearing Apparel

Mugs N More, 1600 North Clinton Avenue, Rochester, NY 14621, \$6,905.82
Maher Sports Apparel, 106 Cobblestone Court Drive #133, Victor, NY 14564, \$665.60

Janitorial Services at PCC

Hurley of America, Inc. 175 Humboldt Street, Suite 100, Rochester, NY 14610,
\$26,632.38

Councilperson Havens made a motion, seconded by Councilperson LaFay that the bids for recreation supplies, arts & crafts supplies, wearing apparel and janitorial services for the PCC be awarded as recommended by Commissioner Donahue.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

AWARD BID
KREAG ROAD PARK LIGHTING

Commissioner of Recreation and Parks Donahue stated that on January 14, 2010, the Parks Department also accepted bids for replacing the sports field lights at Kreag Road Park. The field lights at Kreag Road Park have been there for over thirty years and it is part of the master plan to replace the lighting. Musco Sport Lighting LLC was the only company to complete the bid process with a bid for \$96,295.00 that includes materials plus a 25-year warranty and maintenance program at no cost to the Town. Additionally, an electronic control and monitoring system will allow for efficient management of the lighting system by the Town Park staff. The Parks staff will install the lighting in conjunction with the Fairport Municipal Commission.

Supervisor Smith stated that the Town has received funding from an Energy Grant in the amount of \$100,000 that will cover the cost of the lighting. Councilperson Knapp asked where Musco was located and Commissioner Donahue stated that they are located in Oskaloosa, Iowa and that they have a local sales representative.

Councilperson Knapp made a motion, seconded by Councilperson Saum that the bid for sports field lights at Kreag Road Park be awarded to Musco Sport Lighting LLC in the amount of \$96,295.00 as recommended by Commissioner Donahue.

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

CIVIL SERVICE APPOINTMENTS

Supervisor Smith stated that the Board had a memo stating that the Town has one full time employee and two part-time employees who have taken Civil Service exams for Clerk Typist and are reachable on the residency class. The Town would like to appoint Barbara Clay as Office Clerk III Full-Time, Elizabeth Haines as Office Clerk IV Part-Time and Maureen Nix as Office Clerk III Part-Time, which gives them each Civil Service status.

Councilperson LaFay made a motion, seconded by Councilperson Knapp to appoint Barbara Clay as Office Clerk III Full-Time, Elizabeth Haines as Office Clerk IV Part-Time and Maureen Nix as Office Clerk III Part-Time.

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

AUTHORIZE SIGNATURE OF ENGAGEMENT LETTER FOR TOWN TAX
CERTIORARI REPRESENTATION

Supervisor Smith explained that James Grossman, Esq. has been representing the Town of Perinton for over twenty-five years in all matters relating to Article 7 lawsuits filed against the Town by property owners. Mr. Grossman has now become a partner in Hiscock and Barclay, LLP and the Town now needs a letter of engagement authorizing the Firm to represent, advise and defend the Town in Tax Certiorari matters.

Councilperson Knapp made a motion, seconded by Councilperson Saum that Supervisor Smith be approved to sign engagement letter with Hiscock and Barclay, LLP to authorize James Grossman, Esq. to represent the Town of Perinton in Tax Certiorari matters.

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

VOLUNTEER BOARD CHAIR APPOINTMENT

Supervisor Smith stated that the Board has a letter from Commissioner Donahue recommending that Al Chesonis be reappointed as Chair of the Recreation and Parks Advisory Board. Mr. Chesonis was reappointed as a member of the Recreation and Parks Advisory Board for a seven-year term in December of 2008 and now needs to be reappointed as Chairman of that Board.

Councilperson Saum made a motion, seconded by Councilperson Havens that Al Chesonis be reappointed as Chair of the Recreation and Parks Advisory Board for an additional two-year term to expire December 31, 2011.

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

AUDIT APPROVED

A motion was made by Councilperson Saum, seconded by Councilperson LaFay that Audit #1 for January 2010 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

JANUARY AUDIT

General Fund	\$93,021.23
Town Outside of Village	28,756.37
Recreation	61,668.42
Highway General Repair	22,706.69
Highway Snow & Miscellaneous	132,290.01
Joint Sewer	11,906.61
Special Recreation	41,716.68
Debt Service Sewer	2,018.32
Debt Service Highway Garage	11,437.14
Perinton Ambulance District	6,504.00
Bushnells Basin Fire Protect Dist	17,830.00
Egypt Fire Protection Dist	17,829.00
Basin Canal Port	7,352.50
RS&E Ped Bridge Project	200.00
Trimatec Purchase	493.07
Chardonnay Connector Project	3,350.00
Jefferson Ave Sewer Project	330.00
Pinecrest-ext 51	<u>15,288.23</u>
	\$474,698.27 Total

The above items were numbers 76771-76979 .

JANUARY MANUAL

General Fund	\$79,946.06
Town Outside of Village	4,117.44
Recreation	28,046.73
Joint Sewer	11,602.79
Midlands Lighting Dist	403.79
Lake Lacoma Lighting Dist	15.44
Meadows Lighting Dist	446.67
Deer Run Lighting Dist	1,421.72

Misty Meadows Lighting Dist	109.13
Wagner Development Rights	<u>136,070.83</u>
	\$262,180.60 Total

The above items were paid with checks #76745-76750, 76763-76769, 76990.

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 8:45 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk