

PERINTON TOWN BOARD MEETING  
1350 Turk Hill Road, Fairport, NY 14450  
Wednesday, October 13, 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; Jennifer A. West, Town Clerk; Kevin Spacher, Finance Director; Jeffrey Myers, Commissioner of Recreation and Parks; Michael Doser, Director of Code Enforcement and Development; John Beck, Deputy Director Code Enforcement and Development; Carol S. Johnston, Deputy Town Clerk; Stacy Estrich, Parks Director; Diane Riesenberger, Recreation Director; T.C. Lewis, Planning 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 Saum, that the minutes of the Town Board meeting of September 22, 2010 be approved as submitted by the Town Clerk.

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

RECOGNITION  
T.C. LEWIS

Supervisor Smith presented a plaque to T.C. Lewis who was honored by the Rochester Area Community Foundation as the Joe U. Posner Founder's Award Recipient. The plaque read: "On the 22<sup>nd</sup> day of September in the year 2010, T.C. Lewis was the recipient of the Joe U. Posner Award for his staunch support of the organization as a member, treasurer and Vice-President and in his role as advisor of the Lovejoy Lewis Fund and as a member of the Investment and Finance Committee where he helped develop the foundation's investment policies and practices. This award is the highest honor given to a philanthropist by the Rochester Area Community Foundation and we are pleased, as a Town Board, to recognize T.C. as a guiding force and a contributor to the betterment of our area and to the quality of life in the Town of Perinton."

PUBLIC HEARING  
2011 TOWN BUDGET

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 September 23, 2010; affidavit of posting was also September 23, 2010.

A summary of the 2011 proposed budget was distributed to those present. Supervisor Smith recapped by stating that Perinton has the third lowest full value Town tax rate of the nineteen Towns in Monroe County. He stated that we have also been one of the three lowest in Monroe County for at least the last thirty-five years. Supervisor Smith explained that the budget is divided into five funds and within each of those funds he showed in the powerpoint presentation (and handout) the appropriations, estimated revenues, unexpended balances and amount to be raised by taxes. He also reviewed the three statutory categories for the budget, which are personal services, equipment and contractual expenses. Included in the personal services portion of the proposed budget is a 2% cost of living adjustment for the Town employees. The elected Town officials are

not scheduled for an increase in pay in 2011. Last year the Town employees did not receive a cost of living adjustment. The Equipment budget is roughly the same as last year and the Contractual Expense is slightly less than in 2010. Supervisor Smith stated that assessed home values were up by 1.7%, appropriations were up \$290,895, revenues and unexpended balances were down by \$648,500 and the net amount to be raised by taxes was a \$944,340 increase or \$.22 increase in tax rate for residents in both the Village of Fairport and the Town outside the Village.

Supervisor Smith explained that in addition to having low taxes versus our sister communities in Monroe County, the Town Board also strives to have steady taxes with no peaks and valleys in the tax rate. He pointed out that the increase in tax rate from 2003 to 2004 was due to an increase in the mandatory payment to the NYS retirement system from \$50,000 to \$500,000. In 2009, the Town tax rate increase was due to the spike in petroleum costs. Paving, plastic materials, and fuel costs are all included in the petroleum costs. Supervisor Smith pointed out a few items on the Fund Appropriations sheet. Central Data Processing includes the Town Information Technology work which, in the past, had been supplied by Jim Donahue in addition to his role as Commissioner of Recreation and Parks. He now provides these same services on a contractual basis with the Town which increases the cost to the Town. The purchases of new computer equipment are also included to stay current with technology. Supervisor Smith also highlighted another line on that same sheet, Debt Service that includes the borrowing for the DPW facility. Greater than half the cost of the new facility was paid for with money on hand, however, interest on the bonds sold to finance the remainder was less than anticipated. The Employee Benefit category increase is due to the cost of NYS retirement system mandated expenses.

On the revenue side of the budget, Supervisor Smith pointed out a line item, Rental of Real Property. There are two cell towers on the Town property located at Town Hall. The Town is co-owner with the company that owns the tower in the back of the property. The Town contributed to the construction of the tower and that was taken as a credit against the rental payments over prior years. The construction cost is paid off and the Town now receives the full share of the rental without any credits. Landfill permits are the major factor in this 2011 revenue budget decrease and will be reviewed in detail later. The State Aid reduction includes the fact that the Town had been receiving \$95,000 in STAR and revaluation assessment aid and that is being cut to \$35,000 for 2011. Supervisor Smith explained that Mortgage Tax is a somewhat volatile revenue and that even with the incentives for new home buyers, the mortgage tax payment received by the Town this year is one of the lowest in a number of years. Interest on Earnings gets adjusted downwards as a reflection of the marketplace and the amount of money that the Town receives on its certificates.

Supervisor Smith reviewed pie charts showing the breakout of 2011 projected appropriations and revenues. The appropriation percentages are relatively unchanged from 2010. On the revenue side, State Aid is .4% lower than a year ago, unexpended balances, Parks and Rec, and Sales Tax are the same. Fees, Services and Interest are down 5% from 2010 and that is reflective of the landfill revenue going down.

Supervisor Smith reviewed proposed equipment purchases for 2011 and explained that the budget is similar to last year.

Supervisor Smith then elaborated on the key budget drivers. The budgeted amount for NYS Billings, or the mandated costs for the retirement system, is \$220,000 higher than the 2010 budget. Expenditures are relatively flat. Revenues are down dramatically, \$648,500. There is less activity at the landfill, residents are cutting back on what they buy, not replacing old with new, and therefore not throwing out the old. The Town receives a royalty for everything that goes through the gate at High Acres. Waste Management does not see this business increasing in 2011. The upside to this scenario is that lower utilization of the landfill means longer life for the landfill and longer cash flow in royalties to the Town.

The last report reviewed by Supervisor Smith was the exemption impact report which is a public disclosure regarding exempt property in the Town, including among others, COMIDA, aged and veteran exemptions.

Bill Wilcox, 361 Loud Road, stated that the impact of increasing assessments needs to be factored into the tax burden, not just the tax rate.

James Ross, 35 Fair Oaks Drive, felt that the Town should be buying used Public Works equipment, and contracting out snow plowing like the City of Rochester and contracting out leaf pickup.

Jack Male, 87 Loud Road, stated that he has also lived in Town since 1965. He was opposed to many of the Town's expenditures and felt cuts needed to be made.

George Matic, 4 Spyglass, compared taxes in our area with Ohio, South Carolina and Tennessee where property taxes are lower. He suggested that there be no COLA in 2011, that six employees earning \$50,000 be let go and that the sidewalk at his home not be plowed.

Nancy Hessler, 3 Landing View Lane, stated that she felt there should be no COLA for 2011. She asked if a delay in approving the budget would be possible to look at it more closely and take out the budget increase proposed. Supervisor Smith repeated that the Town expenditures are relatively flat even with the \$220,000 mandated by the State. The things that the Town has control over have been reduced in the 2011 budget. The revenue side of the budget, which we have no control over, causes the gap.

Ed Hitchings, 17 Misty Pine Road, objected to the increase and felt Parks and Recreation is unnecessary. He thanked Supervisor Smith for the time to speak.

Supervisor Smith stated that he has read two reports lately, which stated that businesses anticipate COLA's in the 2.5-3% range next year. He further stated that we have fewer employees per 1,000 residents than other municipalities, held the line on wages last year and feels that the Board has an obligation to recompense the employees fairly for what the employees do for the Town. Supervisor Smith also stated that we have to be careful comparing the Town to private industry, as we have an obligation to provide many of our services to Town residents and many of those services are on an emergency basis and involve the safety of the residents (e.g. reliable snow plowing).

Nancy Hessler, 3 Landing View Lane, asked what items have been removed from the budget or reduced and what alternative methods have been looked at for getting a job done. Supervisor Smith stated that they have looked at Public Works for example, and there are problems with balancing the workforce between winter and summer work. Several equipment purchases were postponed. The Town has also explored closing the Community Center on Sunday, for example, however the Town takes in more revenue than it spends on any given day. He further stated that the bottom line is that for 25 years the Town has been run efficiently, without extra bodies and in a cost effective manner, reiterating that we have less employees per thousand population than our sister municipalities. Mr. Ross again suggested that the Town put services out for bid. Mr. Male asked whether the taxes for commercial businesses in the Town would be going up and Supervisor Smith stated that they would be.

Susan Davis, 307 Lyndon Road, asked if she could get a list of the COMIDA exemptions. Supervisor Smith advised her to see the Town's Assessor office or the Town Clerk.

There being no further questions from the Board or the audience, and all those wishing to be heard having been heard, the Public Hearing was closed.

Supervisor Smith stated that the Town Board would anticipate taking action on the 2011 Budget at the October 27, 2010 Town Board meeting.

ORDER FOR HEARING  
NEW CONTRACT BETWEEN THE  
BUSHNELL'S BASIN FIRE PROTECTION DISTRICT  
THE BUSHNELL'S FIRE ASSOCIATION AND  
THE TOWN OF PERINTON

A motion was made by Councilperson Saum, seconded by Councilperson Havens, that a Public Hearing be held on October 27, 2010, to approve the new contract with the Bushnell's Basin Fire Protection District 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 October 27, 2010 at 8:00 p.m. for the purpose of considering the new contract with Bushnell's Basin Fire Protection District and Bushnell's Basin Fire Association, Inc. to provide for the payment of \$745,454.00 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

ORDER FOR HEARING  
AMENDMENT #1 TO THE CONTRACT BETWEEN THE  
EGYPT FIRE PROTECTION DISTRICT,  
THE EGYPT FIRE DEPARTMENT AND  
THE TOWN OF PERINTON

The following motion was made by Councilperson Saum, seconded by Councilperson Havens, that a Public Hearing be held on October 27, 2010, to approve the new contract for the Egypt Fire Protection District 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 October 27, 2010 at 8:00 p.m. for the purpose of considering amendment #1 to the contract with Egypt Fire Protection District and the Egypt Fire Association, Inc. to provide for the payment of \$618,483.00 per year instead of \$591,941.00 per year as previously provided.

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

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

ORDER FOR HEARING  
AMENDMENT #1 TO THE CONTRACT BETWEEN  
THE PERINTON FIRE PROTECTION DISTRICT  
THE VILLAGE OF FAIRPORT  
THE FAIRPORT FIRE DEPARTMENT  
AND THE TOWN OF PERINTON

A motion was made by Councilperson Saum, seconded by Councilperson Havens, that a Public Hearing be held on October 27, 2010, to approve Amendment #1 to the contract with the Perinton Fire Protection District 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 October 27, 2010 at 8:00 p.m. for the purpose of

considering amendment #1 to the contract with Perinton Fire Protection District, the Village of Fairport and Fairport Fire Department to provide for the payment of \$827,637.00 instead of \$751,724.00 per year as previously provided.

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

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

ORDER FOR HEARING  
AMENDMENT #1 TO THE CONTRACT BETWEEN  
THE TOWN OF PERINTON, THE  
FOREST HILLS FIRE PROTECTION DISTRICT,  
THE TOWN/VILLAGE OF EAST ROCHESTER AND  
THE EAST ROCHESTER FIRE DEPARTMENT

A motion was made by Councilperson Saum, seconded by Councilperson Havens, that a Public Hearing be held on October 27, 2010, to approve amendment #1 to the contract with the Forest Hills Fire Protection District 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 October 27, 2010 at 8:00 p.m. for the purpose of considering a new contract with FOREST HILLS FIRE PROTECTION DISTRICT AND THE TOWN/VILLAGE OF EAST ROCHESTER AND EAST ROCHESTER FIRE DEPARTMENT to provide for the payment of \$162,225.00 instead of \$146,634.00 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

ORDER FOR HEARING  
DEBT SERVICE APPORTIONMENTS AND  
ASSESSMENT FOR IMPROVEMENTS

The following motion was made by Councilperson Saum, seconded by Councilperson Havens, that a date of October 27, 2010, be set to hold a Public Hearing to hear objections to the 2011 Debt Service Apportionment and Assessment for Improvements. The Town Board has apportioned the amount due and to become due for principal and interest during the calendar year of 2011 upon sewer bonds and bond anticipation notes issued by the Town of Perinton for the construction of improvements and has further determined the amount to be charged during the calendar year 2010 for the operation and maintenance of said improvements and has completed its assessment rolls for and in connection with said debt service apportionment and assessment for maintenance and operation of said improvements as follows:

SEWER DISTRICTS  
Perinton Consolidated Sewer District No. 8 and extensions thereto.

The said expenses for such improvements will be apportioned and assessed upon such lots or parcels of land in said District and extensions thereto in proportion to the amount of benefit which the improvement shall confer upon the same, and will be levied and collected at the same time and in the same manner as other town charges.

FIRE PROTECTION DISTRICTS  
Bushnell's Basin Fire Protection District, Egypt Fire Protection District  
Forest Hills Fire Protection District,  
Perinton Fire Protection District

The fire protection districts provide services by contract with Bushnell's Basin Fire Association, Inc., Egypt Fire Association, Inc., not-for-profit corporations, the Village of Fairport and the Town/Village of East Rochester. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

#### LIGHTING DISTRICTS

Lake Lacoma Lighting District, Meadows Lighting District,  
Midlands Lighting District, Misty Meadows Lighting District  
Deer Run Lighting District

Lake Lacoma and Meadows Lighting Districts provide services by contract with Rochester Gas & Electric Corporation. Misty Meadows Lighting District and Midlands Lighting District provides service by contract with Fairport Municipal Commission. Deer Run Lighting District provides service by contract with Fairport Municipal Commission and Rochester Gas & Electric Corporation, for their respective franchise areas. The expenses for operation and maintenance of said districts are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

#### PERINTON AMBULANCE DISTRICT

Perinton Ambulance District contracts with Perinton Volunteer Ambulance Corps, Inc., a not-for-profit corporation, to provide financial assistance including compensation insurance under the Volunteer Ambulance Workers' Benefit Law to enable it to provide an emergency medical service and a general ambulance service to sick or injured persons within the boundaries of the district which are the entire Town of Perinton including the Village of Fairport. The expense of such contributions are required to be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

#### PARK MAINTENANCE DISTRICTS

Fairmont Hills Park Maintenance District  
Wisteria Grove Park Maintenance District

Whereas no public monies are extended for the maintenance of the improvements in the park maintenance district, the expenses for such maintenance by the Town of lawns and plantings within the maintenance areas of the Fairmont Hills and Wisteria Grove Park Maintenance Districts will be assessed, levied and collected from the several lots and parcels of land therein on an ad valorem basis in the same manner and at the same time as other town charges.

The assessment rolls for each of the above improvement districts and areas have been filed in the office of the Town Clerk of the Town of Perinton.

Notice is hereby given that the Town Board of the Town of Perinton will meet on October 27, 2010 at 8:00 pm local time at the Town Hall, 1350 Turk Hill Road, Fairport, NY for the purpose of hearing objections to said debt service apportionment and charges for maintenance and operation and that such assessment rolls may be inspected prior to said hearing at the Town Clerk's office, Town Hall, 1350 Turk Hill Road, Fairport NY and that they will be available at said hearing for inspection.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

ORDER FOR HEARING  
SEWER RENT ORDINANCE

Councilperson Saum made a motion, seconded by Councilperson Havens, that pursuant to the provisions of Article 14F of the General Municipal Law and Articles 12 and 12-A of the Town Law, and pursuant to estimates of expenses and revenues prepared by the Town Board and to assessment rolls prepared by the Assessor of the Town of Perinton establishing sewer rent charges for each lot or parcel of land in Perinton Consolidated Sewer District #8, and all extensions thereto, for the calendar year 2011 that the Town Board hold a Public Hearing on such rent charges on October 27, 2010 at 8:00 pm at the Perinton Town Hall, 1350 Turk Hill Road, Fairport NY. and that notice be given as follows:

TOWN OF PERINTON, MONROE COUNTY, NEW YORK  
PROPOSED CHANGES IN SEWER RENT ORDINANCE

PLEASE TAKE NOTICE that pursuant to the provisions of Article 14F of the General Municipal Law and Articles 12 and 12-A of the Town Law and pursuant to estimates of expenses and revenues prepared by the Town Board and to assessment rolls prepared by the Assessor of the Town of Perinton, a certified copy of which has been filed with the Town Clerk establishing sewer rent charges for each lot or parcel of land in Perinton Consolidated Sewer District No., 8, and all extensions thereto, for the calendar year 2011 and a map and plan of said District and of any extensions thereto in said Town having been filed in said Clerk ' s office, that the Town Board of the Town of Perinton, Monroe County, New York will hold a public hearing on October 27, 2010 at 8:00 pm, local time, at the Town Hall, 1350 Turk Hill Road, Fairport, NY to consider a proposal to revise the present SS 171-5 of the Sewer Rent Ordinance of said Town of Perinton and adopt the following:

*Deleted Text*

**Added text**

SS171-5. Amount of rents:

Effective January 1, 2009 **2011** and until hereafter changed by ordinance or local law adopted by the Town Board, annual sewer rents are hereby established and imposed as follows:

A. Upon all property within the boundaries of Perinton Consolidated Sewer District No. 8 and extensions thereto, *Seventy dollars (\$70.00)* **Seventy-two (\$72.00)** per chargeable unit.

B. Upon property outside of said Perinton Consolidated Sewer District No. 8, and extensions thereto the rent shall be the sewer rent per chargeable unit duly established under SS171-5A above plus a surcharge of ten percent (10%) of said annual sewer rent.

The sewer rent rolls proposed to be established and imposed for the calendar year 2011 and maps of Perinton Consolidated Sewer District No.8 and extensions thereto may be examined prior to said hearing at the Town Clerk ' s office in said Perinton Town Hall, 1350 Turk Hill Road, Fairport, NY where they are available for public inspection and they may also be examined at said hearing.

All persons wishing to be heard may appear in person or by agent.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

END PERMISSIVE REFERENDUM  
OUT-OF-DISTRICT SEWER CUSTOMERS

TOWN OF PERINTON    MONROE COUNTY    NEW YORK

In the matter of:

the Establishment of Extension No. 57 to  
PERINTON CONSOLIDATED SEWER DISTRICT NO. 8  
(Out-of-District Customers)

**ORDER**  
**ESTABLISHING**  
**EXTENSION**

At a regular meeting of the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on October 13, 2010, at 8:00 p.m., there were:

PRESENT:                                    Supervisor James E. Smith, Councilpersons Patricia S. Knapp, Peg S. Havens, Carolyn H. Saum, and Joseph LaFay  
ABSENT:                                        None  
ALSO PRESENT:                            Jennifer A. West, Town Clerk; Thomas C. Beck, Commissioner of Public Works; Robert Place, Attorney

The Town Clerk reported that the Town Board adopted a resolution authorizing the establishment of Extension No. 57 to Perinton Consolidated Sewer District No. 8 at its regular meeting of August 25, 2010, that the adoption of said resolution was subject to a permissive referendum, that pursuant to Section 90 of the Town Law of the State of New York she caused a notice of such resolution to be published in the Fairport-ER Post on September 03, 2010, being a newspaper regularly published in Monroe County and having general circulation within the consolidated district and in addition she posted a copy of such notice on the bulletin board in her office on September 03, 2010. Such notice set forth the date of adoption of the resolution and contained an abstract of such resolution describing, in general terms, the district to be formed to serve the "out-of-district customers" and that such resolution was adopted subject to a permissive referendum.

She further reported that she caused to be printed and had in her office available for distribution petitions requesting a permissive referendum in regard to creation of said improvement district.

The Town Clerk reported that thirty (30) days have passed since the adoption of said resolution and that no petitions have been filed in her office requesting a permissive referendum and that the Town Board now had authority to make an order establishing Extension No. 57 to Perinton Consolidated Sewer District No. 8.

The following Order was offered by Councilperson LaFay, seconded by Councilperson Saum:

WHEREAS, at a regular meeting of this Board held October 13, 2010, a resolution was adopted approving the creation of Extension No. 57 to Perinton Consolidated Sewer District No. 8 subject to a permissive referendum, and

WHEREAS, the Town Clerk reported to this Board that notices of the adoption of such resolution were duly posted and published as required by law and that she had petitions requesting a permissive referendum available in her office and that more than thirty (30) days have elapsed and no petitions requesting a permissive referendum have been filed in her office, and

WHEREAS, this Town Board is now empowered to order the establishment of Extension No. 57 to Perinton Consolidated Sewer District No. 8, it is

ORDERED FIRST, that Extension No. 57 to Perinton Consolidated Sewer District No. 8 is hereby established to include the following parcels of land as shown on the assessment roll prepared in 2009 for use in 2010:

<u>Tax Account Number</u>	<u>Name</u>	<u>Address</u>
152.07-1-22	Joanne E. Tucker/Edward J. Brusso	696 West Whitney Road
153.02-2-17	Arthur & Laura Bates	1683 East Whitney Road
167.03-1-9.1	Lawrence & Joyce Ritchie	312 Aldrich Road
167.03-1-9.2	Richard Walter Hallagan	314 Aldrich Road
167.13-1-8.1	James Contino	29-31 Aldrich Road
167.17-1-1.1	Colleen Herring	187 Aldrich Road
179.10-1-26.11	PVR LLC	720 Pittsford Victor Road
179.18-1-25	James R. Holzwarth	961 Pittsford Victor Road
180.07-1-3	Dennis A. Jennings	7216 Pittsford Palmyra Road
181.05-1-5.21	Brian R. & Linda R. Shaw	425 Aldrich Road
193.02-1-17	County of Monroe IDA MCCH LLC Morell Builders	1501 Pittsford Victor Road
165.17-2-54	Mark T. Barry	70 Benedict Road
152.11-1-4	Mary Jane Proschel	2745 Baird Road
153.02-2-15	Arthur L. & Mary Ann Miller	1667 East Whitney Road

ORDERED SECOND, that the Town Clerk is hereby directed to certify a copy of this Order and forthwith record the same in the office of the Clerk of the County of Monroe in which the Town of Perinton is situate and to forward a certified copy of the same to the Department of Audit and Control.

On roll call vote directed by the Supervisor, the following vote was recorded:

AYES: Smith, Knapp, Saum, LaFay, Havens  
 NAYS: None  
 Unanimously approved.

Whereupon the Supervisor declared the foregoing Order adopted and directed the entry thereof in the proceedings of this Board.

#### TERMINATION OF ACCESS AGREEMENT

Town Attorney, Robert Place explained that this pertains to the Emerald Hill subdivision. Anco Properties, Inc. conveyed the access easement, which should have been conveyed by Anco Builders, LLC; therefore, the Town is terminating the old access agreement and replacing it with the new. Attorney Place will file the termination agreement and the new access agreement simultaneously with Monroe County.

Councilperson LaFay made a motion, seconded by Councilperson Saum to terminate the access agreement with Anco Properties, Inc.

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

#### AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH MONROE COUNTY FOR INSTALLATION OF PAVEMENT MARKINGS AND SIGNS

DPW Commissioner Beck stated that Monroe County has been supplying pavement marking services and sign fabrication services to local municipalities. Monroe County has indicated that they need to formalize these inter-municipal agreements. The initial term of the contract would be for 5 years, and would include 3 additional 5-year terms that can be executed upon mutual consent of the Town and Monroe County. Mr. Beck also explained that although this formalizes an agreement for Pavement Markings and Sign Fabrication, it does not lock the Town into using only Monroe County for these services nor preclude the Town from fabricating its own signs or seeking bids for these services.

Councilperson Knapp made a motion, seconded by Councilperson Havens to authorize the Supervisor to sign the Inter-municipal Agreement with Monroe County for installation of Pavement Markings and Signs.

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

APPROVE INTER-MUNICIPAL AGREEMENT FOR FLEET SERVICES,  
MACHINERY, TOOLS, EQUIPMENT AND SERVICES SHARING ACCESS AND  
SALE OF ALTERNATIVE FUELS

DPW Commissioner Beck stated that before the Town Board is an amended agreement with Monroe County for fleet services, machinery, tools, equipment and services sharing and sale of alternative fuels. He stated that nineteen Towns and many Villages in Monroe County entered into an inter-municipal agreement approximately three years ago for these services. He reiterated that the Town does not have to take these services from the County, but that a contract needs to be in place for the County to be a viable supplier. The contract does allow for sharing not only with all Monroe County Departments, but also allows for sharing of equipment between all of the Towns and Villages participating in the agreement. Commissioner Beck detailed the changes to the agreement:

- MCC, Municipal Corporations and Public Authorities are being added as participants
- Future Amendments will not require re-approval of the entire Agreement
- Rate changes for Fleet Services will be increased from \$55 to \$65 per hour
- The Agreement will automatically renew, instead of requiring written consent on an annual basis, unless the Town chooses to opt out of the Agreement.

Councilperson Saum made a motion, seconded by Councilperson LaFay to approve the amended Inter-municipal Agreement with Monroe County for fleet services, machinery, tools, equipment and services sharing and sale of alternative fuels.

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

AWARD BID  
BUSHNELL'S BASIN CANAL IMPROVEMENTS

DPW Commissioner Beck explained that the Bushnell's Basin Canal Improvement project has been in the planning and design phases for the past five years. The Town received three grants five years ago, one from NYS in the amount of \$551,000 and two grants through the Community Development Block Grant program in the amount of \$35,000 each for a total of \$621,000 to make improvements along the canal in Bushnell's Basin. Mr. Beck explained that the improvements will include installation of docks, lighting along the canal path, restrooms and some picnic areas.

Commissioner Beck stated that the project went out to bid and bids were opened on September 28, 2010. The project was bid as three separate projects. Eleven bids were received for Project #1, which included the overall construction of the project. The lowest bidder to meet specifications was P. Cucchiara Construction Inc. in the amount of \$486,900.00. Four bids were received for Project #2, which includes the electrical work for the project. The lowest bidder to meet specifications was Concord Electric Corporation in the amount of \$82,000.00. Seven bids were received for Project #3, which includes all plumbing on the project. The lowest bidder to meet specifications was Landry Mechanical Contractors in the amount of \$27,500.00. Commissioner Beck

stated that all three successful bidders have been researched and appear to be competent bidders.

Commissioner Beck stated that the total of all bids is \$596,400.00 and the total project cost is estimated to be \$1,050,000.00. The combined grants received will offset \$661,000.00 of the estimated cost requiring the Town to invest approximately \$429,000.00 into the project.

A woman in the audience asked how the facilities would be maintained once they are built and where the funding would come from to do so. Supervisor Smith stated that this would be included in the current Parks Department staff responsibilities.

Councilperson Knapp made a motion, seconded by Councilperson LaFay, to award Contract #1, for the Bushnell's Basin Canal Improvement Project to P. Cucchiara Construction, Inc., in the amount of \$486,900.00, Contract #2 to Concord Electric Corporation in the amount of \$82,000.00 and Contract #3 to Landry Mechanical Contractors in the amount of \$27,500.00.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

#### APPOINT CO-CHAIRS FOR BI-CENTENNIAL

Supervisor Smith stated that in 2012 the Town will be celebrating its Bi-Centennial and he recommended Patricia Knapp (current Town Board), Carol Saum (current Town Board), Jean Keplinger (current Town Historian) and Susan Roberts (former Town Clerk and Historian) be appointed co-chairs for this effort.

Councilperson LaFay made a motion, seconded by Councilperson Havens to appoint Patricia Knapp, Carol Saum, Jean Keplinger and Susan Roberts co-chairs for the 2012 Town of Perinton Bi-Centennial.

Ayes: Smith, LaFay, Havens

Nays: None

Abstain: Knapp, Saum

Unanimously approved

#### UNSAFE BUILDING 17 CRYSTAL SPRINGS LANE

John Beck, Deputy Director Code Enforcement and Development explained that over the last several years, the property located at 17 Crystal Springs Lane has been in decline.

Mr. Beck stated that 17 Crystal Springs Lane has been vacant since 1993, at which time, the power to the structure was disconnected by Fairport Electric. Beginning in January 2009, the Code Enforcement and Development Department has received complaints regarding the property's deteriorating conditions. In May 2009, a cease and desist order was posted on the front door of the property because a large blue tarp was placed on the rear portion of the roof, presumably to prevent leaking into the home. Over the next few months, the CED Department received several phone conversations and voice mails from the property owner, Stephany Dobbelaere, at which time the condition of the property was discussed and a corrective action plan was requested. Mr. Beck stated that the Town did not receive a corrective plan.

Mr. Beck then stated that on February 12, 2010, a violation letter was sent to the property owners advising them of the Town's concerns with the unsafe structure at 17 Crystal Springs Lane. Mr. Beck stated that on March 2, 2010 a meeting occurred with Donald Dobbelaere, at which time Mr. Dobbelaere stated that he had contacted a

structural engineer and was waiting for a report in order to get back to the Town with an action plan. The Town has never received any corrective plan or statement from the Dobbelaeres. Mr. Beck then reviewed several pictures of the property and stated that the Town Board has had a Town inspection report, map, and inspection report from Carmine Torchia (structural engineer with Torchia Structural Engineering & Design, PC) and Town code pertaining to Unsafe Buildings to review prior to tonight's meeting. All inspections and photographs were taken from the property located at 15 Crystal Springs Lane with permission of that property's owner.

Mr. Beck stated that the property has become unfit for the purpose for which it may be lawfully used and that the dwelling has become structurally unsafe and unusable for occupancy. He stated that additionally, there are two sheds in the rear yard that have fallen into a state of disrepair and appear to be collapsing. Mr. Beck then recommended that based on the visual inspection of the property and the report from Mr. Carmine Torchia, dated October 1, 2010, the dwelling located at 17 Crystal Spring Lane be demolished and any debris from the demolition be removed from the site.

Mr. Beck then requested that pursuant to Section 95 of the Town Code, the Town Board by resolution consider the structure unsafe and dangerous in order to be demolished and removed from the property and further that a notice be served upon the owner and the contents of the notice contain all the information contained in Section 95-6 of the Town Code and finally that a Public Hearing be set regarding this matter.

Nancy Hessler, 3 Landing View Lane, asked who would pay for the demolition. Supervisor Smith stated that short term the Town would bid out the demolition and pay for it and then the costs would be liened against the property. Attorney Place stated that a notice must also be filed with the Monroe County Clerk so that a prospective buyer would know of this lien on the property.

Councilperson LaFay made a motion, seconded by Councilperson Knapp that based on the report of John Beck, Deputy Director Code Enforcement and Development, the property located at 17 Crystal Springs Lane be declared unsafe and be demolished and that a Public Hearing be set for November 17, 2010 to hear this matter and to allow the property owner to appear.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

#### AUTHORIZATION TO ENTER INTO AGREEMENT WITH BROWN ASSOCIATES-AGRICULTURAL PLANNING STUDY

Michael Doser, Director of Code Enforcement and Development, stated that the Town of Perinton recently received a \$25,000 grant from the NYS Department of Agriculture and Markets to perform a planning study related to agriculture and farmland protection, with a particular focus on Southeast Perinton. The Town applied for the grant in 2008, and this year, the State awarded the Town with the grant.

Mr. Doser then stated that during 2008, the Town entertained proposals from five planning and engineering firms to execute the planning study. The Town has recently reevaluated the proposals and would like to enter into an agreement with Stuart I. Brown Associates. Brown Associates has extensive experience in performing farmland protection plans for numerous NYS municipalities. The firm's proposal shows a good understanding of the issues facing area agriculture and farmlands, and a thorough strategy to examine those issues.

Mr. Doser asked the Town Board to approve an expenditure of \$35,000 with Brown Associates to execute the Town-wide Agricultural and Farmland Protection Plan/Southeast Perinton Open Space Strategy planning study. He stated that the Town will utilize the \$25,000 grant and contribute an additional \$10,000, which satisfies the grant condition requiring municipalities to share a portion of the planning study's costs.

Councilperson Knapp made a motion, seconded by Councilperson LaFay to approve an expenditure of \$35,000 with Brown Associates to execute the Town-wide Agricultural and Farmland Protection Plan/Southeast Perinton Open Space Strategy planning study.

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 LaFay, seconded by Councilperson Havens, that the following changes in the membership of the Egypt Fire Association, Inc. be approved:

Active Resident Firefighter	Cynthia A. Bushart 62 Valleybrook Drive Fairport, NY 14450
Remove-Resignations	Stan Chizuk 28 Fallingbrook Road Fairport, NY 14450
	Ryan Miller Vineyard Hill Fairport, NY 14450
Remove-passed away	Phillip Johnston

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

A motion was made by Councilperson Saum, seconded by Councilperson LaFay, that the reports from the Finance Director, Town Clerk and the Code Enforcement and Development Department for the month of September 2010 be approved.

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

Bill Wilcox, 361 Loud Road, asked whether the Unsafe Building Town Code applied only to residential property and Supervisor Smith stated that it applies to any structure.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 9:20 pm.

Respectfully submitted,

Jennifer A. West  
Town Clerk