

PERINTON TOWN BOARD MEETING
1350 Turk Hill Road, Fairport, NY 14450
Wednesday, November 17, 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 Spencer, Assistant to the Commissioner of Public Works-Highway; John Kenrick, Assistant to the Commissioner of Public Works-Sewer; Kevin Spacher, Finance Director; Jennifer A. West, Town Clerk; Michael Doser, Director of Code Enforcement and Development; Chris Fredette, Conservation Board; 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 November 10, 2010 be approved as submitted by the Town Clerk.

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

RETIREMENT RECOGNITION
WILLIAM ANTELL

Supervisor Smith recognized the upcoming retirement of Bill Antell and read the inscription on the plaque presented to William Antell by the Town Board:

“The Town of Perinton acknowledges with respect and gratitude the 34 ½ years of outstanding service given to the Department of Public Works and the Perinton Town Hall by William H. Antell, presented on this Seventeenth day of November in the Year 2010”.

Supervisor Smith also recognized Bill for the many years that Bill has donated his hair to children with cancer and the “Kids for Cancer” wig program that make the wigs for these children.

PUBLIC HEARING
NEW CONTRACT
PERINTON VOLUNTEER AMBULANCE CORPS

Supervisor Smith called the Public Hearing to order and asked the Clerk for proof of publication and affidavit of posting. Proof of publication was given in the Fairport ER Post on November 4, 2010; affidavit of posting was also November 4, 2010.

Michael Dollard, President of the Perinton Volunteer Ambulance Corps (PVAC), stated that Perinton Ambulance would like to make a large-scale change to the manner in which they deliver their services. The business model for PVAC has not changed since their founding in 1965. In 1989, the Ambulance district was founded. Mr. Dollard explained that Perinton has enjoyed the 24-hour service of one ambulance for the last 45 years, however there is now the need to supply two-ambulance service for the 8am to 8pm timeframe. He explained that the current services are funded through a combination of donations, the Ambulance district Tax and the contributions of thousands

of hours of time from volunteers. Mr. Dollard stated that there has been a big decline in volunteers and that the PVAC has made many changes (e.g. increased pay for call stipends, crew sharing with South East Quadrant, etc) in the last ten years to continue to retain excellent 24-hour services. Mr. Dollard explained that PVAC is facing many challenges such as a Town population that is getting older, more senior facilities in Perinton, increasing calls and calls that are more complex and most importantly increasing difficulty to attract and keep volunteers as active members. Many young volunteers are lost to paid positions in commercial services and neighboring Towns. Mr. Dollard stated that PVAC is now at the point where they need to implement paid staffing to augment the decline in volunteers and to eliminate the use of costly contract EMT's. He stated that they will need two crews between 8AM and 8PM during the week. Perinton residents will not see a bill; there will be no out of pocket charges for Town residents. Mr. Dollard summarized by saying that the current model is not sustainable as the revenue from current sources, as well as fund raising, has not kept up with the costs of maintaining dedicated emergency medical services for our community.

Mr. Dollard stated that in the long term non-residents will see a bill for co-pays for ambulance service provided by PVAC. PVAC will also hire an operations manager to handle paperwork and the business side of the operation. PVAC will use a three tier-staffing model beginning in April 2011, which will include volunteers, pay-for-call and a paid hourly staff. Ambulance Tax revenue will be used to cover residents for out of pocket deductibles and rejected claims and un-insured residents will not be charged.

Supervisor Smith asked Finance Director Spacher what the current and future rates are for the Ambulance District and Mr. Spacher stated that the 2010 rate is \$.09/1000 and the 2011 rate will decrease to \$.08/1000. Supervisor Smith asked what would happen to a typical MVP subscriber who required the PVAC services. Mr. Dollard stated that a report is submitted to a third party billing service (MedEx Services out of LeRoy), who would then submit the bill to MVP and the individual would be advised of the bill (and not to pay it). MVP then settles with MedEx and MedEx settles with PVAC. In the case of South East Quadrant (which is not the same as PVAC) an advanced life support bill would be sent to the individual and a deductible would be involved (this is consistent with the current process).

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

The following motion was made by Councilperson LaFay, seconded by Councilperson Havens:

RESOLVED, that authorization be given to the Supervisor and the Town Board members to sign a new contract for ambulance protection service between the Town of Perinton and the Perinton Volunteer Ambulance Corps, Inc. for the payment of \$290,000.00 per year. This contract can be renewed each year but in no event shall the term of the contract be renewed or extended beyond December 31, 2013.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

PUBLIC HEARING
AMENDMENT TO SECTION 78 OF THE
CODE OF THE TOWN OF PERINTON
ANIMALS

Supervisor Smith opened the Public Hearing and asked the Clerk for proof of publication and affidavit of posting. Proof of publication for the Public Hearing was given in the Fairport East Rochester Post on November 4, 2010; affidavit of posting was also November 4, 2010.

Town Attorney Place explained that there is currently a Town Code in place to deal with dogs and their licensing, seizure and violations. The proposed change to this Code involves moving the responsibility for the licensing of dogs from the State of New York to the municipalities. Mr. Place stated that a few definitions were added to the Code as well as clarification to the maximum number of dogs allowed per residence. The fees for the licensing of dogs, seizure and impoundment will be included in the fee schedule to be voted on by the Town Board at December 29, 2010 Organizational Meeting.

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

Councilperson Knapp made a motion, seconded by Councilperson Saum, to accept the following amendment to Section 78 of the Code of the Town of Perinton:

**Chapter 78
ANIMALS**

**ARTICLE I
DOGS**

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|--|---|
| § 78-1. Title.
complaint. | § 78-10. Procedure after |
| § 78-2. Purpose and intent. | § 78-11. Care and redemption or
disposition of impounded dogs. |
| § 78-3. Definition of Terms. | |
| § 78-4. Restrictions. | § 78-12. Penalties. |
| § 78-5. Number of animals per premises. | § 78-13. License fees. |
| § 78-6. Female dogs. | § 78-14. Separability. |
| § 78-7. Licensing of Dogs. | § 78-15. Repealer. |
| § 78-8. Dog control officer.
Laws. | § 78-16. Amendment to Previous |
| § 78-9. Procedure for Seizure of Dogs. | § 78-17. Effective Date. |

[HISTORY: Adopted by the Town Board of the Town of Perinton: Art. I, 4-27-1977 by L.L. No. 4-1977 (Ch. 69 of the 1976 Code). Amendments noted where applicable.]

**ARTICLE I,
Dogs
[Adopted 4-27-1977 by L.L. No. 4-1977
(Ch. 69 of the 1976 Code)]**

§ 78-1. Title.

This article shall be known as the "Perinton Dog Control Law."

§ 78-2. Purpose and intent.

The purpose and intent of this article shall be to preserve the public peace and good order in the Town of Perinton and to contribute to the public welfare and the preservation and protection of the property and the person of the inhabitants of said town by declaring and enforcing certain regulations and restrictions on activities of dogs and owners of dogs within the town.

§ 78-3. Definition of Terms.

As used in this Local Law the following words shall respective meanings:

DOG – means male and female, licensed and unlicensed, members of the specis canis familiaris.

HARBOR – means to provide food or shelter for any dog.

OWNER – means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing of any complaint charging a violation of this article shall be held and deemed to be the owner of such dog for the purpose of this article. In the event that the owner of any dog found to be in violation of this article shall be under 18 years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog in violation of this article.

RUN AT LARGE – means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

TOWN – means the Town of Perinton

§ 78-4. Restrictions.

It shall be unlawful for any owner of or any person harboring any dog in the Town of Perinton to permit or allow such dog to:

- A. Run at large unless said dog is restrained by an adequate collar and leash or unless accompanied by its owner or a responsible person able to control the animal. For the purpose of this article, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling or barking or conduct itself in such a manner as to habitually annoy any person other than the owner or person harboring such dog.
- C. Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.
- D. Bite, chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- E. Habitually chase, run alongside or bark at motor vehicles or bicycles.

§ 78-5. Number of dogs per premises.

It shall be unlawful to keep more than four dogs, four months old or older, on any premises regardless of the number of owners, unless the provisions of the Zoning Ordinance of the Town of Perinton in regard to kennels have been complied with.¹

¹ Editor's Note: See Ch. 208, Zoning, § 208-23

§ 78-6. Female dogs.

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run at large when in heat, and such dog shall be confined to the premises of such person during such period.

§ 78-7. Licensing of Dogs.

A. All dogs in the Town of Perinton must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.

B. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

C. Purebred License:

(1) The Town of Perinton will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

D. Exempt:

(1) The Town of Perinton will not require a license for any guide dog, hearing dog, detection dog, service dog, war dog, working search dog, police work dog, or therapy dog.

E. The Town of Perinton does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Perinton, where the shelter is located for the purchase of the license for adoption purposes.

F. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

G. All fees will be used in funding the administration of the Dog Control Law of the Town of Perinton.

H. Fees for Seizure of Dogs:

(1) The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows:

a. The same seizure, impoundment and euthanasia fees per animal that are charged to the town for such service.

§ 78-8. Dog Control Officer. [Amended 3-26-1980 by L.L. No. 1-1980]

A dog control officer or officers, designated as such by the Town Board, shall have all the applicable powers to enforce the provisions of Chapter 78 of the Town ordinance and Article 7 of the Agriculture and Markets Law. In addition, any dog control officer of the Town authorized by the Town Board to assist in the enforcement of this article may serve any process related to any proceeding, whether criminal or civil in nature, including an appearance ticket, undertaken in accordance with the provisions of this article.

§ 78-9. Procedure for Seizure of Dogs.

- A. The Dog Control Officer or any peace officer shall seize:
- (1) Any unlicensed dog whether on or off the owner's premises.
 - (2) Any dog not wearing a tag, and after (date), not identified, and which is not on the owner's premises.
 - (3) Any dog found in violation of § 78-4. Restrictions A-E of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Perinton in such case is carried out.
- B. The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.
- C. Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner may file a signed complaint under oath with a Justice of the Peace of the Town of Perinton specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring said dog.

§ 78-10. Procedure after complaint.

Upon receipt by the Justice of the Peace of any complaint in writing against the conduct of any particular dog, the Justice of the Peace must summon the alleged owner or other person harboring said dog to appear in person before him. If the summons is disregarded, the Justice must permit the filing of an information and issue a warrant for the arrest of such person.

§ 78-11. Care and redemption or disposition of impounded dogs.

- A. Every dog seized shall be properly fed and cared for at the expense of the Town of Perinton until disposition thereof as herein provided and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.
- B. If the dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice by serving personally or by certified mail, return receipt requested, such owner, or an adult member of his family, with a notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed as herein provided. [**Amended 3-26-1980 by L.L. No. 1-1980²**]
- C. The owner of a dog so seized may redeem the dog within seven days if notice is served in person or nine days if served by mail, by paying to the Town Clerk the seizure fee for the first offense, with an increase of \$10 for each additional offense, as the cost of the seizure plus an additional charge for the cost of feeding and caring for such dog. [**Amended 12-13-1979 by L.L. No. 7-1979; 4-28-1993 by L.L. No. 5-1993³**]
- D. If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be made available for adoption or euthanized. In the case of adoption, the purchaser must pay the adoption fees and obtain a license before the dog is released from custody. In all cases, the dog control officer shall maintain a complete record of any seizure and

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³ Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. I).

subsequent disposition of any dog as required by Article 7 of the Agriculture and Markets Law of the State of New York. [Amended 3-26-1980 by L.L. No. 1-1980]

§ 78-12. Penalties.

Any person convicted of violation of this Local Law shall be liable for a civil penalty of twenty-five dollars (\$25.00) for a first violation; of fifty dollars (\$50.00) for a second violation and seventy-five dollars (\$75.00) for each subsequent violation.

§ 78-13. License fees. [Added 9-14-1978 by L.L. No. 5-1978; amended 8-9-1979 by L.L. No. 4-1979; 4-28-1993 by L.L. No. 5-1993]

Authority to set Dog License Fees by Resolution of the Town Board

Pursuant to Municipal Home Rule Law, Article 2, by the adoption of this local law, the Town of Perinton, County of Monroe hereby authorizes the Town Board of the Town of Perinton, County of Monroe to establish, by resolution, a schedule of dog license fees, enumeration fees and tag replacement fees. The Town Board of the Town of Perinton, County of Monroe may exercise this authority as needed throughout the year.

§ 78-14. Separability.

Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

§ 78-15. Repealer.

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Perinton, and they shall be upon the effectiveness of this Local law, null and void.

§ 78-16. Amendment to Previous Laws.

Local Law No 1 of 2010 constitutes an amendment of Local Law No 1 of 1992 and Local Law No 2 for the year 1985, which establishes a Local Law “Dog Control Law”, adding only the provision referred to in Section above.

§ 78-17. Effective Date.

This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved.

PUBLIC HEARING
SPECIAL USE PERMIT
CAR WASH
7374 PITTSFORD-PALMYRA ROAD

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 ER Post on November 4, 2010; affidavit of posting was also November 4, 2010.

Supervisor Smith explained that a Special Use Permit is required for a car wash facility in the Town of Perinton. Dave Clements and Jeff Arnold, co-owners of Classy Chassis Car Wash, appeared to discuss their application to convert a 2,000 square foot oil change business located in the Town Centre Plaza, 7374 Pittsford-Palmyra Road to a three bay car wash. Mr. Clements stated they currently have sixteen locations in NYS. He is proposing the renovation to accommodate three car wash machines, however, only two would be operational at the onset of the business.

Supervisor Smith asked about the additions on the proposed plan and Mr. Clements stated that the current bays are too short for the car wash equipment. The exit bay doors would be moved approximately five feet out toward the parking lot, with no structural changes involved. On the entrance side of bay #1 a small addition would be required to accommodate the new car wash equipment.

Judith McNulty, 647 Thayer Road asked what the building would look like and whether the applicant would be going before the Historic Architecture Commission. Attorney Place explained that the applicant would have to go before the Planning Board and that this Special Use Permit is to approve the desired use. Mr. Clements explained that the look of the building will be similar to the muffler shop across the street and would use split-face block.

Councilperson Knapp asked which bay would not be used out of the three proposed and Mr. Clements stated that it would be the center bay. He stated that windows would be added on the South side of the building to allow natural light. Councilperson Havens asked about the exit lane and the traffic flow in the shopping center. Mr. Clements explained that there is a threshold time that people will wait for a car wash and that the exit lane allows for the decision to leave without the wash. The exit lane takes the cars around the back of the existing buildings at Town Centre Plaza.

Judith McNulty stated that she is offended by the stacking of cars and the exhaust involved.

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

Supervisor Smith stated that although this specific application has not been heard by the Conservation Board, they did give it a negative declaration under SEQR as an oil change business, which would have had a greater environmental impact than the car wash business.

Councilperson Knapp made a motion, seconded by Councilperson LaFay, that the granting of a Special Use Permit to Classy Chassis Car Wash be given a Negative Declaration under the New York State Environmental Quality Review Act (SEQR) based upon the fact that this business will in no way negatively impact the environment.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

Pursuant to Section 239-m of the General Municipal Law, this application was referred to the Monroe County Planning Department. Their report, dated November 15, 2010, and designated PR10-34Z, stated that they have reviewed this application and discussed stream water corridor protection measures, which will be addressed by the Conservation Board during site plan.

Councilperson Knapp made a motion, seconded by Councilperson Havens, that, having reviewed Section 208-54 of the Code of the Town of Perinton, the Board

approve the Special Use Permit to allow the conversion of an oil change business to a Classy Chassis Car Wash.

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

PUBLIC HEARING
UNSAFE BUILDING
17 CRYSTAL SPRINGS LANE

Supervisor Smith explained that this item has been rescheduled to be heard at the December 8, 2010 Town Board meeting. The building at 17 Crystal Springs Lane is falling down and unsafe. The Town's Code Enforcement and Development Office has been in discussions with the homeowner and a contractor to demolish the building and this may take place before the Public Hearing on December 8, 2010. At that time, the Town would potentially take action, and make arrangements to demolish the property if necessary.

PUBLIC HEARING
AMENDMENT TO SECTION 208-8 OF THE
CODE OF THE TOWN OF PERINTON
DEFINITION OF BUILDING AREA

Supervisor Smith explained that this item would not be heard at this time and will come before the Town Board at a later date.

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

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

Remove from Roll	Jack Fowler
	Geoff Siebert
	James Pollay

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 #11 for November 2010 be approved for the Town of Perinton, pursuant to Town Law, and the Town Clerk presented duly verified bills as follows:

OCTOBER GENERAL ELECTION

General Fund	38,040.00
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The above item was paid with checks# 79746-79941.

NOVEMBER AUDIT

General Fund	71,543.76
Town Outside of Village	45,990.91

Recreation	32,003.35
Highway General Repair	7,261.67
Highway Snow & Miscellaneous	28,244.00
Joint Sewer	9,597.38
Special Recreation	5,451.16
Perinton Ambulance Dist	42.05
Fairmont Hills Maint Dist	1,734.00
Basin Canal Port	6,742.18
O'Connor Road Relocation Project	10,387.14
Chardonnay Connector Road	<u>16,597.00</u>
	\$235,594.60 Total

The above items were numbers 79958-80150.

NOVEMBER MANUAL

General Fund	78,523.00
Town Outside of Village	5,436.80
Recreation	33,551.81
Joint Sewer	10,982.50
Midlands Lighting Dist	407.10
Deer Run Lighting Dist	1,381.51
Misty Meadows Lighting Dist	<u>110.03</u>
	\$130,392.75 Total

The above items were numbers 79229-79731, 79743-79744, 79942-79945.

Ayes: Smith, Knapp, Saum, LaFay, Havens

Nays: None

Unanimously approved

Supervisor Smith provided an update to the October 27, 2010 Public Hearing for Distingue Salon. He stated that the architect for the applicant incorrectly figured the square footage included in the building as being over 2,500 square feet. Supervisor Smith stated that this triggered the original application for the Special Use Permit as uses in Limited Commercial Zoning over 2,500 square feet require a hearing before the Town Board to grant a Special Use Permit. The Town Code Enforcement and Development Office has subsequently recalculated the square footage to be less than 2,500 sq. ft. and therefore an application to the Town Board is unnecessary. The applicant will now appear on the December 1, 2010 Planning Board agenda.

There being no further business before the Board and no further questions from the audience, the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Jennifer A. West
Town Clerk